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**EXHIBIT F**

**PROFESSIONAL AND PARAPROFESSIONAL BIOS**

# Anthony G. Alfano

Associate

## Cleveland

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aalfano@bakerlaw.com



### Prior Positions

- U.S. Congress, House Judiciary Committee, Subcommittee on Regulatory Reform, Commercial, & Antitrust Law: Intern (2016)

### Admissions

- Ohio

### Education

- J.D., The Ohio State University Michael E. Moritz College of Law, 2018; *I/S Journal*, Managing Editor
- B.S., Youngstown State University, 2015, *summa cum laude*

Comfortable with the complex nature of corporate work, Anthony Alfano merges his interest in business with his developing law practice. He draws upon a keen attention to detail, creative problem-solving skills and tax-related experience -- a byproduct of his time as an accounting major -- to assist team members on a range of topics, including private equity funds, tax and corporate reorganization.

**Paige Asmann**  
**Baker Hostetler, LLP**

**Work History:**

June 2018 – Present

**BakerHostetler, LLP**

Legal Researcher

June 2015 – June 2018

**Littler Mendelson**

Legal Researcher

**Education:**

Emporia State University  
Masters of Information Science

Washburn University School of Law  
Juris Doctor

Wichita State University  
Bachelor of Business Administration

**Professional:**

Member, State Bar of Kansas

# BakerHostetler

Lauren T. Attard

## Associate

### Los Angeles

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## Overview

Lauren Attard focuses her practice on bankruptcy, restructuring and creditors' rights. She has a depth of bankruptcy and capital markets experience from her position as Assistant General Counsel at the Securities Investor Protection Corporation (SIPC) and working for Congressman Brad Sherman, a senior member of the House Financial Services Committee, on financial services, tax and legal issues.

## Experience

### Financial Services

- Advised Congressman Sherman on all matters under the jurisdiction of the House of Financial Services Committee, including banking, securities and housing, as well as tax, intellectual property and environmental law.
- Drafted and negotiated legislation and amendments.

### SIPC

- Drafted briefs and argued motions and appeals in all phases of litigation, including the U.S. Court of Appeals for the Second Circuit and the U.S. District Court for the Southern District of New York in the liquidation of Bernard L. Madoff Investment Securities, LLC.
- Lead counsel to SIPC as Trustee for Hudson Valley Capital Management.

### Entertainment

- Drafted sample agreements and side-artist agreements for a major record label.
- Drafted artwork licenses for The Strokes' album, "First Impressions of Earth."
- Researched artist recording contracts, copyrights and licenses.

## Alerts

- 5/20/2019  
Show Me the Data: Investors Demand Better ESG Disclosures

## Community

- Levine School of Music: Committee Member (2010 to 2014)
- Niagara Symphony Orchestra: Guest Soloist
- French Piano Institute in Paris: Classical Pianist
- New Paltz Festival, Piano Summer: Classical Pianist

## Services

- Bankruptcy, Restructuring and Creditors' Rights

## Industries

- Investment Funds

### **Prior Positions**

- Office of Congressman Brad Sherman: Legislative Counsel (2015 to 2016)
- Securities Investor Protection Corporation
  - Assistant General Counsel (2012 to 2015)
  - Staff Attorney (2010 to 2011)

### **Admissions**

- New York, 2008
- California, 2018

### **Education**

- J.D., Fordham University School of Law, 2007
- B.A., McGill University (Montreal, Quebec, Canada), 2004

# Evan X. Bakhet

Associate

## New York

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## Services

- Securities Offerings and Compliance
- Mergers and Acquisitions
- Corporate Governance

## Industries

- Investment Funds

## Prior Positions

- Securities and Exchange Commission, Enforcement Division: Legal Honors Intern
- Prudential Financial, Financial Management Law Department: Summer Law Associate

## Admissions

- New York
- New Jersey
- District of Columbia

## Education

- J.D., Rutgers University School of Law, 2017; Phi Delta Phi Legal Honor Society; Intellectual Property Law Society
- B.A., Political Science, Boston College, 2014

## Languages

- Arabic, Egyptian Dialect

Evan Bakhet's transactional practice focuses on a wide variety of corporate matters. He has considerable experience working with clients on mergers and acquisitions, equity and debt financings, securities reporting and SEC compliance, corporate governance, on-going operations and general corporate matters. Diligent and attentive to detail, Evan works closely with clients to develop a thorough understanding of their issues, providing a plan of action to help them achieve their goals.

## Memberships

- New York State Bar Association
- Leadership Council on Legal Diversity (LCLD): Fellow (2015)
- American Bar Association

## Community

- St. Mina's Coptic Orthodox Church: Volunteer

## Pro Bono

- Assisted in case in which an individual from Chad sought asylum in the United States on the basis of their sexual orientation.

# Darin R. Bartram

Partner

Washington, D.C.

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## Services

- Appellate and Major Motions
- Environmental

## Admissions

- District of Columbia
- Maryland

## Education

- J.D., The George Washington University Law School, 1993, with honors
- B.A., University of Vermont, 1990

Darin Bartram focuses his practice in the areas of constitutional litigation and appellate work, with particular experience in environmental law. Darin brings a strategic approach to his practice and helps his clients put their legal questions in context with their overall business strategies to develop a comprehensive resolution.

## Experience

- Provides advice to an American electric utility holding company regarding state, regional and proposed federal climate change and energy legislation. Counsels the client on reporting requirements, carbon sequestration and related liability issues, offset projects, emissions trading-related transactions and the regulation of greenhouse gases under the Clean Air Act independent of federal climate change legislation. Has also counseled the client on defense of actions brought by the federal government alleging that the client has undertaken major modifications to its facilities without first having followed the requirements of the federal "new source review" permitting program.
- Member of a team that represented 26 states challenging the constitutionality of Medicare revisions under the Patient Protection and Affordable Care Act and argued that an "individual mandate" was beyond the powers granted to Congress under the Commerce Clause and the Necessary and Proper Clause. The U.S. District Court for the Northern District of Florida ruled in favor of the states at the case outset. The government appealed the case to the Eleventh Circuit, where the original decision was affirmed.
- Member of a team that successfully defended several Bivens actions brought against former Secretary of Defense Donald H. Rumsfeld through arguments before the district courts and the Fourth and Seventh Circuit Courts of Appeals.
- Member of a team that represented the Republic of Croatia before the International Criminal Tribunal for the former Yugoslavia and the International Court of Justice for a number of years on a wide range of issues involving international humanitarian law and the laws of war.
- Involved in a representation concerning actions brought against a large federal contractor under federal trafficking law and the Alien Tort Claims Act.

- Has experience with the Oil Pollution Act of 1990, having assisted in the representation of an international group of vessel owners in challenging regulations promulgated by the state of Washington on the basis that those local regulations were preempted by federal and international laws. Litigation ultimately led to a unanimous decision by the Supreme Court upholding the vessel owners' claims.

### **Memberships**

- Bar Association of the District of Columbia
- Maryland State Bar Association

### **Community**

- Town of Kensington: Council Member



# Chris Bator

Counsel

## Cleveland

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cbator@bakerlaw.com



## Services

- Commercial Litigation

## Admissions

- U.S. Court of Appeals, Sixth Circuit
- U.S. Court of Appeals, Seventh Circuit
- U.S. District Court, Northern District of Illinois
- U.S. District Court, Northern District of Florida
- U.S. District Court, Southern District of Ohio
- U.S. District Court, Northern District of Ohio
- Ohio

## Education

- J.D., Case Western Reserve University School of Law, 1987, *cum laude*
- B.A., John Carroll University, 1984, *magna cum laude*

With more than 30 years of experience in commercial litigation, Chris Bator focuses on advising clients concerning insurance coverage issues and the resolution of coverage disputes. He is involved in the litigation, arbitration and mediation of insurance coverage disputes in state and federal forums. Chris has experience on both sides of insurance issues, having counseled and represented policyholders as well as insurance carriers, thus providing unique insight to his clients.

Chris is certified as a specialist in insurance coverage law by the Ohio State Bar Association.

## Experience

- Working to obtain full benefits under cyber loss and excess policies for an airline that suffered loss of income and other damages as a result of a computer system failure.
- Represented a captive carrier (domiciled outside the U.S.) of a U.S. corporation in various coverage disputes with reinsurers, including claims concerning damages arising out of alleged participation in a conspiracy in violation of U.S. and foreign laws, claims with reinsurers over substantial real and personal property damages, and claim for payment of a foreign tax liability.
- Defended a life insurance carrier in a lawsuit alleging breach of contract and fraud with respect to calculation of policy premiums.
- Obtained substantial insurance recovery for company that suffered loss of income due to hurricane damage.
- Obtained reimbursement under a liability policy for attorneys' fees and expenses incurred by a client in responding to and defending against a governmental criminal investigation.
- Obtained substantial recovery for a hospital under a crime loss policy for employee theft.
- Representing and providing coverage analysis to a mutual insurance company with respect to various claims made by policyholders sued for alleged violations of the Telephone Consumer Protection Act.
- Worked to obtain policy benefits for a large trucking company in class action lawsuits alleging racial discrimination. Company's insurance carrier had denied coverage for lawsuits based on the policy's prior-

knowledge exclusion and other conditions and terms in the policy. Coverage dispute involved a “Bermuda Form” arbitration provision requiring arbitration to take place in London, England, pursuant to English procedural rules with application of New York substantive law. Although arbitration commenced, the matter settled in favor of the client.

- Acting as co-counsel representing and defending company administering the electronic toll program for San Francisco’s toll bridges in class action lawsuits challenging notification procedure for tolls and penalties and alleged privacy violations.
- Defended a company responsible for the placement and operation of red light traffic cameras in various class action litigations challenging the use of the cameras. Class action lawsuits were filed in Cleveland, Chicago, New York and Florida.

### **Recognition**

- Ohio State Bar Association: Certified Specialist in Insurance Coverage Law

### **Memberships**

- Catholic Lawyers Guild
- American Bar Association
- Ohio State Bar Association
- Cleveland Metropolitan Bar Association: Insurance Law Section
- Ohio Association of Civil Trial Attorneys

### **Community**

- Bay Village Recreation Center: Karate Instructor (Black Belt in Karate-Do Kajukenpo Karate)

# BakerHostetler

James Bekier

## Director of Litigation Services

New York

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## Overview

James Bekier is the Director of Litigation Services, operating out of both the New York and Los Angeles offices, establishing a Tier 1 in-house litigation support service. James supervises a team of more than 20 professionals in 6 offices that oversee the management of large volumes of data and multiple technologies.

James has a background working on complex class action securities and antitrust litigation as an attorney, where he became well-versed in evolving E-discovery rulings, service offerings and solutions. After 5 years of litigating, James became Discovery Manager for a large eDiscovery and Document Review company in New York, then shifted back into law, working as an e-discovery project manager for a law firm.

## Experience

- Develops and implements systems and processes to ensure an efficient and consistent discovery process; implements discovery best practices from anticipation of litigation through trial across a wide spectrum of cases from single small matters to coordinated actions with more than 1,000 cases.
- Advisor to attorneys and clients on international and complex, large-scale matters, on the complete life cycle of discovery including data mapping, identification, preservation, collection and database administration.
- Consults with partners and clients on their individual needs in and across their litigation; develops technology and reporting systems encompassing hundreds of matters, providing clients and legal teams with current information on the aspects of their cases including docketing, legal issues, budgeting, vendor management and expert management.
- Manages firmwide litigation support technology and budget, from business case justification through negotiation of contracts and purchases, and performs the ongoing asset and cost management.
- Advises both clients and attorneys on a variety of complex cases and subject areas, including multidistrict litigations, data breaches, and client information governance and retention policies.

## Recognitions and Memberships

### Memberships

- Association of Certified E-Discovery Specialists (ACEDS)
  - Certified E-Discovery Specialist (CEDS)
- International Legal Technology Association (ILTA)
- The Sedona Working Group Series

### Services

- E-Discovery Advocacy and Management

### Admissions

- New York

## Education

- J.D., University of Montana Alexander Blewett III School of Law, 2002
- B.A., University of Montana, 1999

# BakerHostetler

Glenn S. Benson

**Partner**

Washington, D.C.

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## Overview

One of the country's leading representatives of onshore and offshore oil and gas producers on regulatory matters, Glenn Benson brings more than 24 years of experience and an uncommon familiarity with the Federal Energy Regulatory Commission (FERC) to his role on the BakerHostetler national Energy Industry practice team. He counsels clients across the energy industry on tariff and contract disputes before FERC, regulatory compliance and enforcement, and the negotiation of commercial transactions, including power purchase agreements, interconnection agreements, pipeline precedent agreements, asset management agreements, and oil and gas purchase and sale agreements.

Listed in *The Best Lawyers in America* since 2015 in the area of energy law, Glenn's authority on nuanced litigation and complex energy policy issues has led to trusted positions advising and representing gas, electric and oil companies in every geographic region of the United States. It has also inspired a high-profile caseload: Glenn handled one of the first offshore natural gas pipeline open and nondiscriminatory access disputes before the U.S. Interior Department's Bureau of Safety and Environmental Enforcement (BSEE).

## Experience

### Project Development

- Representing merchant electric transmission developer in federal and state permitting processes, including both National Environmental Policy Act (NEPA) and California Environmental Quality Act (CEQA), for 900-mile, high-voltage electric transmission project crossing three states.
- Represented Millennium Pipeline Company in obtaining FERC certificate of public convenience and necessity for, and developing, 443-mile interstate gas pipeline to serve markets in New York and New England, including coordination with three companion interstate pipeline projects.
- Represented Saddle Butte Pipeline Company in developing proposed 450-mile crude oil pipeline out of the Bakken in North Dakota to Clearbrook, Minnesota.
- Represented Atmos Gathering Company in developing proposed Straight Creek gathering system in eastern Kentucky.
- Represented Alliance Pipeline in developing 886.8 mile, 36-diameter interstate gas pipeline through North Dakota, Minnesota, Iowa, and Illinois.
- Represented Petal Gas Storage Company in obtaining certificates of public convenience and necessity for, and developing, natural gas storage projects and a 59-mile pipeline header in Mississippi.

### Compliance and Enforcement

- Represents gas distribution companies, gas producers, gas marketers, independent power producers and power marketers in development and implementation of FERC compliance programs.
- Represented gas marketing company in defending against FERC Office of Enforcement investigation for alleged market manipulation.
- Represented electric marketing company in defending against FERC Office of Enforcement investigation for alleged market manipulation.

- Represented interstate natural gas pipeline in defending against FERC Office of Enforcement investigation for alleged affiliate abuse.
- Represented gas marketer in FERC Office of Enforcement investigation of alleged violation of capacity release rules.
- Represented gas pipeline in FERC Office of Enforcement investigation of alleged violations of Section 7 of the Natural Gas Act.

## Regulatory Litigation

- Representing Peregrine Oil & Gas in litigation against Texas Eastern Transmission at FERC regarding violations of Sections 4 and 7 of the Natural Gas Act in connection with operation of the Cameron offshore gas pipeline system in the Gulf of Mexico.
- Represented BP Exploration (Alaska), Inc., before FERC, the United States Court of Appeals for the District of Columbia Circuit, and the Regulatory Commission of Alaska (RCA) in matters regarding the Trans Alaska Pipeline System's Quality Bank methodology for compensating/charging shippers for any diminution/appreciation in value they incur/receive as a result of the commingling of various crude oil streams on the pipeline.
- Representing Peregrine Oil & Gas in litigation before BSEE against offshore natural gas pipeline involving violations of the open and nondiscriminatory access conditions under the Outer Continental Shelf Lands Act.
- Represented Rice Energy Marketing in pipeline rate cases of ANR Pipeline and Natural Gas Pipeline Company of America before FERC.
- Represented Rice Energy Marketing in complex multi-party settlement process to determine the terms by which Texas Eastern Transmission's is permitted recovery of PCB remediation costs.
- Represented Alliance to Protect Nantucket Sound in litigation before the Massachusetts Department of Public Utilities regarding power purchase agreements of Cape Wind.
- Represented power marketers in litigation regarding PJM's allocation of surplus marginal line loss revenues.
- Represented power marketers in litigation regarding the Midcontinent Independent System Operator's allocation of Revenue Sufficiency Guarantee costs.
- Represented developer of landfill gas electric generation projects in southern California and Rhode Island in litigation over interconnection terms with Southern California Edison and ISO New England.
- Represented power marketers in litigation regarding the California Independent System Operator's rules for convergence bidding.
- Represented petroleum refining and marketing companies in litigation before FERC and the D.C. Circuit over interstate oil pipeline rates of SFPP, LP.
- Represented municipal utility in PG&E rate cases before FERC.
- Represented refining and marketing companies in oil pipeline rate litigation before the California Public Utilities Commission.

## Energy Transactions

- Represented Rice Energy Marketing in negotiation of long-term pipeline precedent agreement for 320,000 Dth/day of firm transportation capacity on Texas Eastern Transmission's Access South Project.
- Represented Rice Energy Marketing in negotiation of long-term pipeline precedent agreement for 175,000 Dth/day of firm transportation capacity on Rockies Express Pipeline's Zone 3 East-to-West Project.
- Represented Rice Energy Marketing in negotiating long-term pipeline precedent agreement for firm transportation capacity on the 3,250,000 Dth/day Rover Pipeline Project.
- Represent gas producers, gas marketers, gas-fired electric generation project developers and industrial end users in negotiation of asset management agreements.
- Represent gas producers, marketers and utilities in negotiation of gas purchase and sale agreements.
- Represented gas producer in negotiation of joint marketing agreement for Marcellus gas.
- Represented Rice Energy Marketing in negotiation of long-term pipeline precedent agreement for 50,000 Dth/day of firm transportation capacity on Texas Eastern Transmission's Ohio Pipeline Energy Network (OPEN) Project.
- Represented Rice Energy Marketing in negotiation of long-term pipeline precedent agreement on Texas Eastern Transmission's 425,000 Dth/day Uniontown to Gas City (U2GC) Project.

- Represented Rice Drilling B in negotiation of long-term pipeline precedent agreement on Texas Eastern Transmission's 300,000 Dth/day TEAM South Project.
- Represented developer of landfill gas electric generation project in negotiating interconnection agreement with Southern California Edison.
- Represented Millennium Pipeline in negotiation of long-term pipeline precedent agreement with Consolidated Edison of New York, Inc. for 150,000 Dth/day of firm transportation capacity.

## Recognitions and Memberships

### Recognitions

- Washington, D.C., "Super Lawyer" (2015 to 2019)
- The Best Lawyers in America (2016 to present)
  - Washington, D.C.: Energy Law

### Memberships

- Foundation of the *Energy Law Journal*: Board of Directors (2005 to 2016)
- *Energy Law Journal*: Business Manager (2005 to 2016)
- Energy Bar Association
  - Committee on Natural Gas Regulation, Vice Chair (2007 to 2008); Chairman (2008 to 2009)
  - Committee on Oil Pipeline Regulation, Vice Chairman (2003 to 2004); Chairman (2004 to 2005)
  - Natural Gas Pipeline Committee (2000 to 2005)
  - Electric Utility Regulation Committee (2003 to 2005)
  - Generation and Power Marketing Committee (2002 to 2003)
  - Finance and Transactions Committee (2003 to 2004)
  - International Energy Transactions Committee (2003 to 2004)
  - Antitrust Committee (2003 to 2005)
  - Alternative Dispute Resolution Committee (2000 to 2001)

### News

- 8/15/2018  
193 BakerHostetler Attorneys Named in 2019 Best Lawyers List; 10 Recognized "Lawyer of the Year"

### Press Releases

- 2/5/2018  
BakerHostetler Adds Energy Litigation and Regulatory Lawyer in Washington, D.C.

### Alerts

- 2/28/2018  
FERC Action on Electric Storage Could be Transformational

### Services

- Environmental
- Commercial Litigation
- Project Development and Finance

### Industries

- Energy Industry

### Admissions

- U.S. Court of Appeals, Ninth Circuit
- U.S. Court of Appeals, District of Columbia Circuit
- District of Columbia

- New York

**Education**

- J.D., University of Virginia School of Law, 1993; *Virginia Journal of International Law*, Editor; Virginia Center for National Security Law, Chief Editor
- A.B., Syracuse University, 1990, *magna cum laude*



# BakerHostetler

Camille C. Bent

## Associate

### New York

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## Overview

Camille Bent concentrates her practice in the areas of bankruptcy, financial restructuring and commercial litigation. She has significant experience in litigation arising out of corporate insolvencies, including in fraudulent transfer, negligent misrepresentation and wrongful redemption cases. Camille has represented debtors, creditors and other interested parties in a variety of industries. She approaches all situations with a detail-oriented and analytical eye toward the most effective and efficient solution.

## Experience

- Currently represents Irving H. Picard, Securities Investor Protection Act (SIPA) Trustee for the liquidation of Bernard L. Madoff Investment Securities, LLC, and litigates multimillion-dollar avoidance and recovery action against foreign and domestic entities to recover fraudulent transfers for the benefit of defrauded investors.
- Represented an international shipping company and its affiliates in a Chapter 11 bankruptcy proceeding, resulting in a consensual plan that maximized value for debtholders.
- Represented a public manufacturer of medical devices, including preparation of Chapter 11 schedules and first-day motions, omnibus objections, and preference defense pleadings and settlement agreements.
- Represented plaintiffs in a fraudulent inducement and fraudulent transfer action, including drafting of discovery requests and responses, subpoenas, and confidentiality agreements.

## Recognitions and Memberships

### Recognitions

- National Conference of Bankruptcy Judges: Next Generation (2019)
- International Women's Insolvency and Restructuring Confederation "Rising Star" (2017)
- Global Restructuring Review "40 Under 40" (2016)
- New York Metro Super Lawyers "Rising Star" (2017)

### Memberships

- New York City Bar Association
  - Bankruptcy & Corporate Reorganization Committee: Co-Chair, Fraudulent Conveyance Subcommittee
  - Associate Leadership Institute: Member
- International Women's Insolvency & Restructuring Confederation, New York Network
- American Bar Association
- American Bankruptcy Institute
- Turnaround Management Association
- Metropolitan Black Bar Association
- Association of Black Women Attorneys

## News

- 6/18/2019  
Camille Bent Named to List of "Bronx Power Women in Business"
- 5/3/2019  
Eight BakerHostetler Attorneys Shortlisted for the Chambers Diversity and Inclusion Awards 2019
- 3/21/2019  
Camille Bent Speaks on NCBJ Bankruptcy Litigation Seminar
- 1/17/2019  
Liz Green, Team Earn "Deal of Year" Honors for Alliance Medical Holdings Sale
- 6/1/2018  
Camille Bent Participates in Panel Discussion on Succeeding as a Summer Associate in BigLaw
- 2/6/2018  
Camille Bent a Speaker at International Women's Bankruptcy Conference
- 2/6/2018  
Camille Bent, Marco Molina Selected for New York City Bar Associate Leadership Institute
- 2/5/2018  
Camille Bent Speaking at ABI Spring Meeting
- 10/9/2017  
Camille Bent Honored as 2017 "Rising Star" by International Women's Insolvency and Restructuring Confederation
- 8/11/2017  
Camille Bent Joins Bankruptcy Committee of New York City Bar Association

## Alerts

- 3/7/2018  
2017 Year-End Securities Litigation and Enforcement Highlights
- 7/28/2017  
2017 Mid-Year Securities Litigation and Enforcement Highlights

## Community

- Directions for Our Youth, Inc.
  - Board of Directors

## Pro Bono

- Works with the New York City Law Department's Public Service Program, conducting and defending depositions in tort cases ranging from individual damages to multiparty litigation.
- Revised and updated a non-profit organization's guide to federal and state employment rights for victims of domestic violence, sexual assault, or stalking.

## Services

- Bankruptcy, Restructuring and Creditors' Rights

## Industries

- Investment Funds

## Prior Positions

- Law Clerk for the Honorable Pamela Pepper, U.S. Bankruptcy Court, Eastern District of Wisconsin
- Judicial Intern for the Honorable Mary Grace Diehl, U.S. Bankruptcy Court, Northern District of Georgia
- U.S. Securities and Exchange Commission: Securities Enforcement Intern

## Admissions

- U.S. District Court, Southern District of New York

- U.S. District Court, Eastern District of New York
- New York

## **Education**

- M.B.A., Emory University Goizueta Business School, 2009
- J.D., Emory University School of Law, 2009
- B.A., Johns Hopkins University, 2005

## **Languages**

- Spanish

# Joelle A. Berle

Associate

## Los Angeles

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jberle@bakerlaw.com



### Services

- Commercial Litigation
- Environmental

### Prior Positions

- The Honorable Helen I. Bendix, Superior Court of California, County of Los Angeles: Judicial Extern (2005)
- U.S. House of Representatives, Ways and Means Committee: Intern (2003)

### Admissions

- U.S. Court of Appeals, Ninth Circuit
- U.S. District Court, Central District of California
- U.S. District Court, Northern District of California
- U.S. District Court, Southern District of California
- U.S. District Court, Eastern District of California
- California
- New York

### Education

- J.D., Southwestern University School of Law, 2007; *Southwestern Journal of Law and Trade in the Americas*, Lead Articles Editor; CALI Excellence for the Future Award, Legal Research and Writing
- B.A., University of California, Los Angeles, 2004, *cum laude*

Joelle Berle focuses her practice on complex business, commercial and environmental litigation in the representation of corporations, businesses and individuals. She uses her passion for advocacy to collaborate with clients on litigation strategy, understand their business needs and tailor her approach to each case.

### Memberships

- American Bar Association
- Los Angeles County Bar Association

# Edward J. Bernert

Partner

## Columbus

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ebernert@bakerlaw.com



## Services

- Transactional Tax
- Tax Credit Finance and Economic Development Incentives
- State and Local Tax

## Industries

- Technology in Manufacturing

## Admissions

- Ohio

## Education

- J.D., The Ohio State University  
Michael E. Moritz College of Law,  
1977
- B.A., Ohio Northern University, 1974

Ted Bernert concentrates his practice in the area of state and local taxes, with a particular emphasis on the major Ohio taxes affecting businesses and business owners – sales and use, financial institution, personal income, commercial activity and real property taxes. He represents national companies concerning Ohio tax matters related to compliance, planning and tax legislation.

Ted is chair of the State and Local Tax Committee of the American Bar Association Tax Section, and is a past chair of both the Ohio State Bar Association Taxation Committee and the State and Local Tax Section of the Columbus Bar Association. Ted was appointed by the governor to the Ohio Business Gateway Steering Committee to address the continued development of an electronic link for filing taxes and other matters affecting business. He also serves as a member of the Ohio Chamber of Commerce Taxation Committee. Ted is an adjunct professor of state and local taxes at the Capital University Law and Graduate Center, and served as chief editor of *Ohio Tax Review*, formerly published by the center. He currently serves as the co-editor of the *Guidebook to Ohio Taxes*, published by Commerce Clearing House. He has repeatedly been named a “Super Lawyer” in the area of taxation and holds an AV rating by Martindale-Hubbell.

## Experience

- Deals regularly with various tax department officials upon audit or administrative appeals. He has an active tax litigation practice before the Ohio Board of Tax Appeals and upon appeal to the courts, including the Supreme Court of Ohio.

## Recognition

- *The Best Lawyers in America*© (2014 to Present)
  - Ohio: Tax Law
- Martindale-Hubbell: AV Preeminent
- Ohio “Super Lawyer” (2004 to 2006, 2008)

## Memberships

- American College of Tax Counsel: Fellow

# BakerHostetler

Jason I. Blanchard

## Associate

### New York

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## Overview

Jason Blanchard focuses his practice on the areas of bankruptcy, corporate restructuring and debtors' and creditors' rights. Having a depth of experience clerking for a bankruptcy judge, Jason is intimately familiar with the many facets of bankruptcy practice and litigation. He also has experience representing private and public entities in state and federal courts, which gives him insight into the needs of a variety of clients. Never one to back down from a challenge, Jason works closely with clients to solve the complex puzzles associated with bankruptcy and restructuring.

## Experience

- *In re Bernard L. Madoff Investment Securities LLC*: Represent Irving H. Picard, Trustee for the Securities Investor Protection Act liquidation of Bernard L. Madoff Investment Securities LLC, in the litigation of several avoidance actions and disputes involving creditor claims.
- Experience navigating § 363 asset sales of operating entities and nonprofit companies, post-petition financings, the rejection and assumption of executory contracts, and chapter 11 plan confirmation issues.
- Experience with international insolvency matters, including recognition under chapter 15 of the Bankruptcy Code.
- Experience representing parties in corporate and commercial litigation matters in state and federal courts.
- Represented a creditor in a chapter 11 bankruptcy case in negotiating and consummating a sale of commercial real estate to the debtor.
- Representing Examiner in investigating the role of U.S. affiliate in the largest bank fraud alleged in the history of the Republic of India.
- Represented trade creditor in defending against the liquidating trustee's motion to deny the client's priority claim under § 503(b)(9) before the Delaware Bankruptcy Court. Drafted appellate brief before the Delaware District Court regarding the Bankruptcy Court's partial denial of the client's § 503(b)(9) claim.
- Represented creditor in contesting an objection to its proofs of claim by the post-confirmation liquidating trustee and negotiating a settlement of the same in the N.D. of Texas Bankruptcy Court.
- Represented liquidating trust in analyzing claims filed against the Debtors' estates and in drafting objections to the same before the Minnesota Bankruptcy Court.
- Represented alleged subsequent transferee in vacating a default entered against the client and in defending against the liquidating trustee's appeal before the S.D.N.Y. Bankruptcy and District Courts.
- Represent unsecured creditor in contesting dismissal of involuntary chapter 7 case and voluntary chapter 11 case in the S.D.N.Y. Bankruptcy Court. Draft appellate brief before the S.D.N.Y. District Court regarding the Bankruptcy Court's dismissal of the cases.
- Represent creditor with potential issues related to the debtors' rejection of its asset purchase agreement and related contracts in the S.D.N.Y. bankruptcy court.
- Represented limited liability company member considering filing a chapter 11 case in which the company's authority to commence the case was limited by its operating agreement and financing agreement with its secured creditor.
- Represented company in connection with its out of court restructuring involving the sale and licensing of intellectual property, and financing. Drafted language concerning § 365(n) of the Bankruptcy Code and advised on protections afforded to licensees of intellectual property and secured creditors.

- Represented creditor in chapter 15 proceeding involving a contest over recognition and recognition-related relief in the S.D.N.Y. Bankruptcy Court.

## Recognitions and Memberships

### Memberships

- Federal Bar Association
- American Bankruptcy Institute

### News

- 2/22/2019  
John Carney Issues Examiner Report Finding Substantial Evidence of Fraud, International Money Laundering Connected to Diamond Bank Fraud Scheme

### Articles

- 7/19/2018  
Geraldine Ponto, Jason Blanchard Analyze Recent Decisions Regarding Whether a Market Rate of Interest Should Apply to a Secured Creditor's Claim in a "Cramdown" Plan Under Chapter 11

### Services

- Bankruptcy, Restructuring and Creditors' Rights

### Prior Positions

- Law Clerk for the Honorable Alan S. Trust, U.S. Bankruptcy Court, E.D.N.Y. (2012 to 2016)

### Admissions

- U.S. District Court, Southern District of New York
- U.S. District Court, Eastern District of New York
- U.S. District Court, District of New Jersey
- New York
- New Jersey

### Education

- J.D., Brooklyn Law School, 2011; Articles Editor, *Brooklyn Journal of Corporate, Financial and Commercial Law*
- B.S., Management, Tulane University, 2007



**KIMBERLY BOOKOUT, CEDS, RCA**

**BAKER & HOSTETLET LLP**

**EXPERIENCE**

2016-Present	Baker & Hostetler LLP Litigation Support Coordinator
2011-2016	McKenna Long & Aldridge, LLC Litigation Support Specialist
2006-2011	McKenna Long & Aldridge, LLC Paralegal
2000-2006	Womble Carlyle Sandridge & Rice, PLLC Paralegal

- Certified E-Discovery Specialist
- Relativity Certified Administrator

# BakerHostetler

Terry M. Brennan

**Partner**

**Cleveland**

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## Overview

Terry Brennan is the Litigation Coordinator for BakerHostetler's Cleveland office, with practice management responsibility for more than 40 litigation attorneys. He focuses his practice on complex business litigation and corporate criminal matters, representing banks, manufacturers, and other public and private corporations and individuals in a wide range of complex commercial disputes. In his white collar practice, Terry represents individuals and businesses in connection with investigations and prosecutions conducted by the DOJ, SEC, FDA, and other federal and state law enforcement agencies and regulatory bodies. He conducts internal investigations on behalf of corporate clients, lectures annually on effective depositions and has served as a state-appointed special prosecutor.

## Experience

### Complex Commercial Litigation

- *SIPC v. Bernard L. Madoff Investment Securities LLC*: Leads a team of attorneys on behalf of the Securities Investor Protection Act (SIPA) Trustee in litigation of claims against former employees of Bernard L. Madoff Investment Securities LLC.
- *Client v. City of Cleveland*: Represented a publicly traded company in a lawsuit alleging breach of contract that resulted in a multimillion-dollar settlement for the client.
- *Plaintiffs v. Client*: Successfully defended a telemarketing company in federal class action lawsuits alleging fraud and related cases of action.
- *CITA v. Client*: Successfully defended a publicly traded bank against a \$400 million lawsuit alleging failure to recognize interest in securities.
- *Winter Equipment Co. v. Client*: Won jury trial on behalf of a manufacturer alleging misappropriation of trade secrets.
- *Kopp v. Client*: Represented a bank and defeated claims alleging violations of federal antitrust law, the federal Truth in Lending Act, the Ohio Retail Sales Installment Act, and breach of fiduciary duty.
- *Client v. Hummer*: Represented the nation's largest pharmacy in a lawsuit arising out of a merger agreement with claims and counterclaims totaling more than \$100 million, resulting in a client victory.
- *Jacobs v. Jacobs*: Represented a real estate developer and former Cleveland Indians owner in litigation brought by trust beneficiaries seeking removal of the client as a trustee and millions of dollars in damages, resulting in a client victory.

### Government and Internal Investigations

- Represents current and former supervisors of Volkswagen and Audi in connection with the Volkswagen emissions scandal.
- Represents multiple shipping companies in connection with federal investigations involving the Clean Water Act and the Taft-Hartley Act.

- Represented a national architecture firm in a federal public corruption investigation.
- Represents publicly traded banks in FINRA matters and other internal investigations.
- Represented a publicly traded company in a DOJ customs investigation that was initiated by a search warrant. The client received a declination letter.
- Represented a construction company, shopping mall development company, insurance company, and other businesses and individuals in public corruption investigations.

## SEC and Securities

- Represented the co-CEOs of a private equity company in an SEC investigation alleging numerous securities law violations.
- Represented a multimillion-dollar investment fund in an SEC investigation of a Ponzi scheme.
- Represented a former CFO of a publicly traded company in an SEC civil case alleging fraudulent accounting.
- Represented a former CFO of a publicly traded company in a class action alleging fraudulent accounting.
- Represented a former officer of an office supply company in several lawsuits alleging violations of securities laws.

## FDA

- Represented a food manufacturer in an FDA investigation involving food contaminated by melamine.
- Represented a university in an FDA investigation of diversion of controlled substances.

## Recognitions and Memberships

### Recognitions

- *The Best Lawyers in America*® (2018 to present)
  - Ohio: Criminal Defense: White-Collar
- Martindale-Hubbell: AV Preeminent
- Ohio Super Lawyers "Rising Star" (2005, 2007, 2009)

### Memberships

- City Club of Cleveland: Board Member
- Cleveland Metropolitan Bar Association
  - Judicial Selection Committee: Board Member
- Criminal Justice Act Panel (CJA), Northern District of Ohio (2010 to 2014)

### News

- 8/15/2018  
193 BakerHostetler Attorneys Named in 2019 Best Lawyers List; 10 Recognized "Lawyer of the Year"
- 8/15/2017  
190 BakerHostetler Attorneys Named in 2018 Best Lawyers List; 18 Recognized "Lawyer of the Year"
- 4/12/2017  
BakerHostetler Announces New Leadership for Cleveland Office Practice Teams
- 2/2/2017  
Press Release: Eighth Pro Rata Interim Distribution of Recovered Funds to Madoff Claims Holders Commences; Total Approximately \$252 Million
- 1/12/2017  
Statement Regarding Bankruptcy Court Approval of Eighth Interim Pro Rata Distribution

- 12/14/2016  
Bloomberg Reports on Trustee's Eighth Distribution in "Madoff Victims Poised to Start 2017 With \$342 Million in Payouts"
- 12/14/2016  
Madoff Trustee Requests Allocation of \$342 Million to Customer Fund and Court Approval to Immediately Distribute Approximately \$252 Million to BLMIS Customers with Allowed Claims
- 12/14/2016  
"Madoff Victims Expected to Share \$342M New Repayment" Reports USA TODAY
- 6/30/2016  
Reuters Covers Commencement of Seventh Distribution in Article "Madoff Trustee Begins New Payout, Total Nears \$9.5 Billion"
- 6/30/2016  
"Seventh Distribution of Money to Madoff Victims Begins" Covered by the Long Island Business News
- 6/30/2016  
Press Release: Seventh Pro Rata Interim Distribution of Recovered Funds to Madoff Claims Holders Commences; Totals Approximately \$190.2 Million
- 5/26/2016  
USA Today Reports on Upcoming Seventh Distribution in "Madoff Victims May Get New \$247M Disbursement"
- 5/26/2016  
Press Release: Madoff Trustee Requests Allocation of \$247 Million to Customer Fund and a Seventh Interim Pro Rata Distribution
- 12/5/2015  
"Madoff Ponzi Scheme Victims Get \$1.2B in Sixth Payout" reported in the International Business Times
- 12/4/2015  
Commencement of Sixth Distribution reported in USA Today's article "Madoff Scam Victims to Share \$1.19B" USA Today
- 12/4/2015  
Press Release: Sixth Pro Rata Interim Distribution of Recovered Funds to Madoff Claims Holders Commences: Totals Approximately \$1.193 Billion
- 10/20/2015  
Press Release: Madoff Trustee Requests Court Approval for Release of \$1.5 Billion From Customer Fund and a Sixth Interim Pro Rata Distribution
- 10/20/2015  
CNBC reports on Trustee's motion for approval of sixth distribution in article "Madoff Victims Could Get More Money Back"
- 10/20/2015  
CNBC Covers Sixth Distribution in Article "Madoff Victims Could Get More Money Back"
- 10/20/2015  
The SIPA Trustee's motion for approval of another allocation and sixth pro rata interim distribution is discussed in USA Today article "Trustee Seeks \$1.5B Allocation for Madoff Victims"
- 4/15/2015  
Press Release: SIPA Trustee Seeks Court Approval for Release of \$1.249 Billion from Customer Fund Reserves and Requests Court Approval for Sixth Interim Pro Rata Distribution
- 2/20/2015  
Reuters spotlights BakerHostetler and its work on the Madoff Recovery Initiative in the article "US Appeals Court Decision May Speed New Payout to Madoff Victims"
- 2/20/2015  
The SIPA Trustee's position on time-based damages and the Second Circuit Court of Appeals decision that paved the way to a distribution are discussed in Bloomberg's article "Madoff Victims to Get \$1.45 Billion After Trustee's Victory"

- 2/10/2015  
Bloomberg's Bill Rochelle reports on BakerHostetler's Madoff liquidation and its fifth pro rata interim distribution in article "Almost Half of Madoff's Victims Now Fully Paid"
- 2/9/2015  
Press Release: Fifth Pro Rata Interim Distribution of Recovered Funds to Madoff Claims Holders Commences: Totals Approximately \$355.8 Million
- 2/9/2015  
National Public Radio covers BakerHostetler's press release on the commencement of the SIPA Trustee's fifth distribution in "Madoff's Victims Are Repaid Another \$355 Million, Trustee Says"
- 12/22/2014  
Press Release: Fifth Interim Distribution of Recovered Funds in Global Madoff SIPA Liquidation Will Total Approximately \$322 Million
- 12/22/2014  
*Bloomberg's* article "Madoff Victims to Get \$322 Million in Trustee Payout" acknowledges BakerHostetler attorneys at announcement of fifth distribution plans
- 11/18/2014  
*Reuters* reports on further BakerHostetler success reaching settlements boosting total recovery of funds stolen by Madoff to nearly \$10.5 billion
- 11/17/2014  
*The Associated Press* reports on BakerHostetler and the Madoff Recovery Initiative recoveries of \$10.5 billion
- 11/17/2014  
CNBC reports on BakerHostetler and the Madoff Recovery Initiative in article Madoff Recoveries Top \$10 Billion With New Settlement, "... an amount virtually no one thought possible"
- 5/5/2014  
BakerHostetler talks with *USA Today* about the SIPA Trustee's fourth pro rata interim distribution; states Madoff Recovery Initiative nears \$6 billion in distributions to allowed claimants
- 1/7/2014  
BakerHostetler's settlement with JPMorgan Chase and the ongoing Madoff Recovery Initiative Discussed on National Public Radio's *All Things Considered*
- 2/15/2013  
BakerHostetler appears on NPR's *All Things Considered* to discuss Madoff Recovery Initiative; host Robert Siegel interviews SIPA Trustee Irving Picard and his Chief Counsel David Sheehan
- 2/12/2013  
Madoff Recovery Initiative surpasses \$5 billion in distributions to allowed claimants; CNBC's Scott Cohn discusses latest recovery with BakerHostetler's SIPA Trustee Irving Picard and his Chief Counsel David Sheehan
- 12/10/2012  
Madoff Recovery Initiative Marks Fourth Anniversary ... Moves into Fifth Year Still Building Recovery Momentum
- 9/21/2012  
BakerHostetler's work recovering more than half of the losses in the Madoff Ponzi scheme featured on WNYC in interview on *The Brian Lehrer Show*
- 9/20/2012  
Press Release: Second Interim Distribution of Recovered Funds to Madoff Claim Holders
- 6/25/2012  
Press Release: United States Supreme Court Denies Certiorari, Upholding Net Equity Decision in BLMIS Liquidation
- 1/5/2012  
*The Wall Street Journal* showcases BakerHostetler and the "unprecedented magnitude" of the global recovery efforts in article "The Madoff Liquidation, Three Years Later"
- 10/4/2011  
Press Release: Initial Interim Distribution of Recovered Funds to Madoff Claims Holders
- 12/17/2010  
*The New York Times* reports on BakerHostetler's negotiation and settlement with the Picower Estate for \$5 billion in the SIPA liquidation of Bernard L. Madoff Investment Securities LLC

- 6/17/2009  
2009 "Rising Stars" Announced
- 6/21/2007  
New 2007 "Rising Stars" Announced
- 2/4/2004  
Baker Hostetler Announces New Partners

## Services

- Commercial Litigation
- White Collar, Investigations and Securities Enforcement and Litigation
- Compliance

## Industries

- Investment Funds

## Prior Positions

- Assistant Prosecuting Lawyer, Cuyahoga County
  - Investigated and prosecuted felony cases, including homicide and white collar crimes.
  - First chaired more than 50 bench and jury trials

## Admissions

- New York, 1997
- Ohio, 1995

## Education

- J.D., Indiana University School of Law, 1995, *cum laude*; Managing Editor, *Indiana Law Journal*
- B.A., Miami University, 1992

## KATE E. BRYAN

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### EXPERIENCE

*Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.*  
Litigation Legal Assistant

April 2017 – May 2018

- Assisted with witness preparation for Delaware books & records trial
- Managed discovery and pleadings for ITC investigation

*Schulte, Roth & Zabel, LLP*  
Litigation Legal Assistant

December 2011 – April 2017

- Lead paralegal for trial teams, including six-week federal criminal jury trial and expedited bankruptcy court hearings
- Attended client interview sessions, reviewed case materials for factual support, and prepared summary memoranda
- Designed demonstratives for mediation presentations and arbitrations
- Developed project training modules for seamless staffing expansion during trials
- Cite checking and Bluebooking for federal, appellate and Supreme Court briefs
- Provided attorneys with solutions to discovery management issues
- Interfaced with outside vendors and consult with attorneys regarding technical issues

*Paul, Weiss, Wharton, Rifkind & Garrison, LLP*  
Litigation Paralegal

July 2011 – December 2011

- Assigned to lead partner for seven-week federal civil jury trial
- Preparation of witness files, potential exhibits and motion argument materials

*Schulte, Roth & Zabel, LLP*  
Litigation Legal Assistant

April 2008 – June 2011

- Assigned to Litigation Chair for daily support regarding case management, billing and client relations

*WilmerHale, LLP*  
Project Assistant

July 2006 – August 2007

- Assisted attorneys with document collection, organization, production, coding and review for regulatory enforcement actions

### EDUCATION

American University – Washington DC  
Bachelor of Arts in Justice

May 2006

### SKILLS

Word, Excel, PowerPoint, Visio, Acrobat X Pro, Trial Director, VBA, CSS,  
Relativity, LiveNote, TextMap, CaseMap, Concordance, iConect, Lextranet, Ringtail,  
Westlaw, LexisAdvance, PacerPro, NYSCEF, Cite-Checking, Bluebook

# Anthony S. Calanni

Associate

## Cleveland

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acalanni@bakerlaw.com



### Prior Positions

- BakerHostetler: Summer Associate
- Baldwin Wallace University School of Business: Local Business Analyst Intern

### Admissions

- Ohio

### Education

- J.D., Case Western Reserve University School of Law, 2019, *cum laude*; *Case Western Reserve Law Review*, Senior Editor
- M.B.A., Case Western Reserve University, Weatherhead School of Management, 2019
- B.S., Biology; Innovation & Entrepreneurship, Baldwin Wallace University, 2015, *summa cum laude*; Business Honor Society; Dayton C. Miller Honor Society

Anthony Calanni has experience assisting on a variety of business and employment related matters. Through his professional and educational endeavors, he has obtained a foundational understanding of business plan development, product and service improvement strategies, and financial planning, as well as applicable laws and legislation. Notably, Anthony has worked intimately with company leaders to formulate plans to achieve desired business growth.

### Community

- The Legal Aid Society of Cleveland: Intake Group Volunteer



# Michael R. Cantu

Staff Attorney

## Cleveland

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## Prior Positions

- Akron Municipal Court: Law Clerk (2013 to 2015)
- Summit County Juvenile Court: Intern (2014)

## Admissions

- Ohio

## Education

- J.D., University of Akron School of Law, 2015; Student Bar Association, Vice President
- B.A., Kent State University, 2011

Michael Cantu's developing litigation practice reflects his reputation as a hard-working and conscientious client advocate. He is a member of the BakerHostetler team representing Trustee Irving H. Picard for the SIPA liquidation of Bernard L. Madoff Investment Securities LLC, an unprecedented effort involving hundreds of actions to recover funds from the largest financial crime in U.S. history. A well-rounded counsel, Michael has also reviewed and analyzed pieces of evidence and medical records, conducted lay and expert witness depositions, and drafted legal memorandums, briefs, motions and pleadings.

## Recognition

- Ohio Super Lawyers "Rising Star" (2018 to 2020)

## Memberships

- Cleveland Metropolitan Bar Association
- Akron Bar Association

## Community

- University of Akron Mock Trial Competition: Judge

# Christopher J. Carolan

Partner

## New York

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## Services

- Debt Finance
- Private Equity and Venture Capital
- Mergers and Acquisitions
- Emerging Company
- Real Estate Finance

## Industries

- Financial Services Industry
- Investment Funds
- Energy Industry

## Prior Positions

- BNP Paribas: Director, Associate General Counsel (2004 to 2007)

## Admissions

- New York

## Education

- J.D., New York University School of Law, 2000; *New York University Law Review*, Notes Development Editor
- M.A., Fordham University, 1997
- B.A., Fordham University, 1995, *magna cum laude*

Christopher Carolan is an experienced debt finance and corporate attorney. He has led engagements on behalf of arrangers, agents, lenders, borrowers and issuers involved in commodities, retail, technology, telecommunications, media, real estate, healthcare, oil and gas, waste, renewable energy and manufacturing. Chris' lending clients provide first lien, second lien or mezzanine financing, and are comprised of global financial institutions, regional banks, funds, venture capital investors, private individuals or family offices. His borrower clients include publicly traded entities, REITs, funds, closely held companies and private equity owned portfolio companies of all sizes.

Chris has extensive experience with syndicated credit facilities, letters of credit, receivables purchase transactions, mortgage repurchase transactions and mortgage warehouse lines of credit. He often handles transactions that raise international or cross-border collateral and guaranty issues and complex intercreditor arrangements. He works closely with his borrower clients to understand their strategies and businesses, and to help position them for future growth. Additionally, offering "360-degree" service to his clients, Chris has handled workouts and restructurings of problem loans and distressed borrowers, working seamlessly with bankruptcy counsel when needed.

Chris also represents venture capital and private equity investors in connection with their creation, fund formation, capital raising, investments, acquisitions and divestitures. In this capacity, he serves as outside general counsel to a leading venture capital management firm that invests in, manages and provides growth support to the highest quality companies in the information security, management and analytics sectors.

## Experience

### Debt Finance

- Represented a leading global, U.S.-based bank as the arranger, administrative and collateral agent, lead lender, and letter of credit issuer in several senior, secured, syndicated credit facilities, ranging in size from \$35 million to \$4 billion. Included related workouts, restructurings, or liquidations, particularly involving retailers.
- Represented national waste equipment and service provider and its subsidiaries in a variety of debt financing matters, including advising on financial considerations relevant to industry trends and best practices.

- Represented a global, French-based bank as lender in leveraged commodity finance (including oil, gas, chemicals, metals and grain), international trade finance and general corporate finance transactions.
- Represented a large U.S. bank as arranger, agent, and lead lender in unsecured, syndicated loans to public REITs, in mortgage warehouse lines of credit, and in mortgage repurchase transactions.
- Represented a consortium of senior secured lenders to a manufacturer of solar energy equipment, as well as its successor. Wide-ranging engagement included representing group of lenders in a DIP loan (including non-DIP financing for the borrower's European subsidiaries), supplementary DIP financing, a successful credit bid by the lender to acquire the assets of the company, the provision of exit financing to the successor entity, and the financing of the subsequent merger and acquisition of the successor entity.
- Represented several borrowers under senior, syndicated credit facilities from various financial institutions as agents and lenders, and in matters relating to their issuance of public notes.
- Represented a private equity sponsor and its portfolio companies in the provision of various loans, including revolving loans, term loans and mezzanine debt, used to finance bolt-on acquisitions, business expansion and working capital needs.
- Represented a family-owned communications and media company with assets in newspapers, broadcast television and cable television in connection with their \$500 million senior, syndicated secured revolving credit facility, term loans and its issuance of publicly traded notes.
- Represented various funds as borrowers under mortgage warehouse lines of credit and repurchase facilities, receivables purchase facilities and in lines of credit secured by the capital commitments of the funds' limited partners.
- Represented various borrowers engaged in the ownership and/or operation of senior skilled nursing home facilities in connection with their leveraged debt financing, including revolvers, term loans and mortgage financing.
- Represented a borrower in a \$230 million multi-currency, syndicated, acquisition finance term loan and revolver facility to support a European-based multinational business software firm's acquisition of a UK-based multinational firm.

#### **Private Equity/Venture Capital**

- Represented leading venture capital/private equity management firms in connection with their founding, capital raising, fund formation, corporate governance and investments in and/or acquisitions of late venture stage technology companies focused in the cybersecurity, data protection and information management sectors.
- Represented the portfolio company of a venture capital management firm, as well as the venture capital management firm, in the sale of the company to one of the largest global cybersecurity businesses based in Silicon Valley.

#### **Memberships**

- American Bar Association
- New York State Bar Association
- New York Institute of Credit

### **Community**

- Human Rights Campaign: National Board of Directors (2012 to present)

### **Pro Bono**

- Represented the Human Rights Campaign in certain corporate pro bono matters.

# BakerHostetler

Lee A. Casey

**Partner**

**Washington, D.C.**

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## Overview

Lee Casey performs appellate work for clients, while also maintaining a practice in the areas of administrative law, compliance counseling and foreign-related litigation. He works with companies to ensure compliance with federal and international regulations and agencies and develops the best strategies to avoid or fight litigation. With a thorough understanding of his clients' industries and business positions, Lee helps create compliance and litigation strategies that achieve client objectives as efficiently as possible.

## Experience

- Assists individuals, companies and non-profits in complying with the Foreign Agents Registration Act, which in general requires those engaged in public relations or political activities in the United States on behalf of foreign governments and other foreign individuals and entities to register with the United States Department of Justice, and to make regular reports regarding their activities. Advises clients on the registration and reporting requirements of the Lobbying Disclosure Act, which covers federal lobbying activities on behalf of domestic individuals and companies.
- Represents a corporation on an ongoing basis regarding administrative concerns related to the Clean Air Act. Attends agency meetings and analyzes Environmental Protection Agency regulations applicable to the client and its operations. Protects the client's interests during administrative processes, including instances where governmental agencies and the client have conflicting agendas.
- Represented 26 states challenging the constitutionality of Medicaid revisions under the Patient Protection and Affordable Care Act, arguing that an "individual mandate" was beyond the powers granted to Congress under the Commerce Clause and the Necessary and Proper Clause. The United States District Court for the Northern District of Florida ruled in favor of the states at the case outset. The government appealed the case to the Eleventh Circuit, where the original decision was affirmed.
- Assists companies, including international consulting and oil and gas companies, in domestic and international Foreign Corrupt Practices Act compliance counseling. Observes companies' operations and internal workings to plan and face potential concerns before they become larger issues.
- Defended a *Bivens* action brought against former Secretary of Defense Donald Rumsfeld during representation before the Fourth Circuit.

## Recognitions and Memberships

### Recognitions

- Burton Distinguished Legal Writing Award (2011)

### News

- 5/5/2014  
BakerHostetler talks with *USA Today* about the SIPA Trustee's fourth pro rata interim distribution; states Madoff Recovery Initiative nears \$6 billion in distributions to allowed claimants

- 1/13/2014  
Law360 article on SCOTUS Request for DOJ Opinion on SIPA Trustee's Petition for Writ of Certiorari names BakerHostetler attorneys
- 1/7/2014  
BakerHostetler's settlement with JPMorgan Chase and the ongoing Madoff Recovery Initiative Discussed on National Public Radio's *All Things Considered*
- 2/15/2013  
BakerHostetler appears on NPR's *All Things Considered* to discuss Madoff Recovery Initiative; host Robert Siegel interviews SIPA Trustee Irving Picard and his Chief Counsel David Sheehan
- 2/12/2013  
Madoff Recovery Initiative surpasses \$5 billion in distributions to allowed claimants; CNBC's Scott Cohn discusses latest recovery with BakerHostetler's SIPA Trustee Irving Picard and his Chief Counsel David Sheehan

## Pro Bono

- Served as *amici curiae* counsel for former Secretaries of Defense and members of the Joint Chiefs of Staff.
- Prepared *amici curiae* briefs when representing clients in a New York case before the Second Circuit Court of Appeals.
- Served as counsel to the Victims of Communism Memorial Foundation from 1995 to 2013.
- Served as a member of the United Nations Subcommission on the Promotion and Protection of Human Rights from 2004 to 2007.

## Services

- Foreign Corrupt Practices Act (FCPA)
- Environmental
- Appellate and Major Motions

## Prior Positions

- Hunton & Williams: Associate
- U.S. Department of Justice
  - Office of Legal Counsel (1992 to 1993)
  - Office of Legal Policy (1986 to 1990)
- U.S. Department of Energy: Deputy Associate General Counsel for Legal Policy (1990 to 1992)
- Mitchell, Silberberg & Knupp: Associate
- Law Clerk to the Honorable Alex Kozinski, Chief Judge of the United States Claims Court (1984 to 1985)
- Dykema Gossett (1982 to 1984)
- George Mason University School of Law: Adjunct Professor of Law (1990 to 1994)

## Admissions

- District of Columbia, 1995
- California, 1985
- Michigan

## Education

- J.D., University of Michigan Law School, 1982, *cum laude*
- B.A., Oakland University, 1979, *magna cum laude*

# Joseph L. Chairez

Partner

## Costa Mesa

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## Services

- Commercial Litigation
- Product Liability and Toxic Tort

## Industries

- Investment Funds
- Aerospace and Defense

## Admissions

- U.S. Court of Appeals, Ninth Circuit
- U.S. District Court, Eastern District of California
- U.S. District Court, Northern District of California
- U.S. District Court, Central District of California
- U.S. District Court, Southern District of California
- High Court Trust Territory of the Pacific Islands
- California
- Republic of Palau

## Education

- J.D., University of California, Davis School of Law, Published Member of *U.C. Davis Law Review*
- B.S., University of California, Berkeley

## Languages

- Spanish

Joseph Chairez is a business trial lawyer who has litigated numerous complex business, products/technology, employment and construction defect matters. He also has a firmwide insurance coverage practice, litigating coverage on behalf of corporate policyholders, which has produced millions of dollars of insurance policy benefits for his clients. Joseph is the Litigation Group Coordinator for the BakerHostetler Costa Mesa office and a member of the Pro Bono Committee for the firm. Additionally, he speaks on a variety of trial, ethics and litigation topics at CLE seminars.

## Experience

### Products/Technology

- Represented a commercial aircraft product manufacturer in a case involving product design, testing and related issues.
- Represented an aviation products manufacturer in a case involving printed circuit boards and related technology.
- Counsel in a guidance system product and testing case. Represented a high-tech testing company.
- Counsel in a major toxic tort litigation against multiple manufacturers, and distributors of automobiles and related products; obtained a dismissal on behalf of the client manufacturer of plastic products.
- Counsel in toxic tort claims brought by the plaintiff against multiple manufacturers of wood treatment products; obtained dismissal of the manufacturer of product constituent.
- Counsel in a construction defect case against a manufacturer of homes and related housing construction products, and obtained dismissal on behalf of the client manufacturer.
- Represented clients in a variety of other litigation involving products, including an LPG burn case involving valves, a case involving home appliance products, a severe elevator injury matter, a case involving thermal paper used for prescriptions and a complex coverage matter involving satellite solar arrays.

## Employment

- Defense trial counsel on a multiplaintiff federal court discrimination case for a national freight company seeking millions of dollars. The



three-week jury trial resulted in an outright defense as to two plaintiffs, and a favorable defense verdict as to the remaining plaintiffs.

- Defense trial counsel on a federal employment age discrimination, misclassification and unfair business practice case where the plaintiff sought \$1.1 million plus punitive damages. The plaintiff waived jury on the eve of trial, and at close of the bench trial a defense verdict was awarded on all causes of action.
- Defense trial counsel for manufacturing client in a wage-and-hour class action. Plaintiffs waived jury and the bench trial resulted in a favorable defense verdict for the client.
- Defense trial counsel for a national freight company in a state court discrimination case. At the close of jury selection, plaintiff requested to settle in an amount favorable to defendant.

### **Insurance**

- Coverage counsel for a subprime lender against a failing national non-admitted carrier. Obtained an \$11.5 million bond from the carrier to protect the client's claim resulting in the subprime lender being one of the few insureds in California to have its claims paid. As reported in the *Los Angeles Daily Journal*, the general counsel commented, "That was worth its weight in platinum."
- Represented a global company in defense against a carrier's reimbursement claim on an underlying matter involving aerospace products related to multiple satellites. Obtained a favorable summary judgment ruling, removing approximately \$12 million from the carrier's claims, with the matter settling shortly thereafter.
- Represented officer/general counsel in a coverage dispute with various carriers involving an underlying corporate mismanagement case. Litigated various layers of coverage and as to one carrier, after a favorable summary judgment ruling, obtained its \$10 million policy and payment of all fees and costs to obtain coverage.

### **Business Litigation/Torts**

- Represented a global service technology company in suit against a competitor for corporate raiding and misappropriation of trade secrets. Obtained multiple favorable seven-figure settlements for the client.
- Trial counsel for a defendant insurance carrier in a defamation case with matter being tried to a jury. Obtained a defense verdict of non-suit.
- Defense trial counsel representing real estate broker and agent in a fraudulent transaction case. Obtained a defense verdict after a 2-week jury trial.

### **Recognition**

- Hon. Francisco Briseno Lifetime Achievement Award, Hispanic Bar Association of Orange County (2018)
- Southern California "Super Lawyer" (2004 to 2019)
- *Orange County Metro Magazine*: Top Litigators in Orange County (2009, 2011 to 2015)
- Orange County Top 50 Lawyers (2013, 2014)



- Martindale-Hubbell: AV Preeminent
- 10/10 Superb rating as an attorney by AVVO.com (2012 to 2019)
- Hispanic Bar Association: Attorney of the Year (2007)
- United Way: Hispanic Influential (2008)

### **Memberships**

- Orange County Bar Association: President (2007)
- Board of Governors of the State Bar of California: Vice President (2011)
- Orange County Hispanic Bar Association: President (1997)
- Celtic Bar Association: President (2001 to 2002)
- California Supreme Court Historical Society: Board Member (2014 to 2019)
- American Bar Foundation: Fellow (2011 to 2018)
- Public Law Center: Board Member (2019)

### **Community**

- California Commission on Access to Justice: Co-Chair (2008)
- El Viento Foundation: Co-Chair of Advisory Committee (2013 to 2014)
- Hispanic Education Endowment Fund: Board Member (1997 to 2007)
- Public Law Center: Board of Directors (2002 to 2004)

# Tara R. Chandler

Staff Attorney

## Cleveland

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### Prior Positions

- Extern with the U.S. Department of Justice, Office of the United States Trustee for Region 9
- Hahn, Loeser & Parks: Summer Associate
- Cannon, Aveni & Malchesky: Paralegal
- Lake County Public Defender Office: Legal Intern

### Admissions

- U.S. District Court, Northern District of Ohio
- Ohio

### Education

- J.D., Cleveland-Marshall College of Law, 2010, *Journal of Law and Health*, Managing Editor; *The Gavel*, Co-Editor-in-Chief
- University of Missouri, Kansas City, 2008, Summer Law Symposium in conjunction with Peking University
- B.S., Legal Studies, Lake Erie College, 2007, *summa cum laude*

Tara Chandler is a member of the BakerHostetler team serving as court-appointed counsel to the Securities Investor Protection Act (SIPA) Trustee for the liquidation of Bernard L. Madoff Investment Securities LLC (BLMIS), an unprecedented recovery effort involving hundreds of actions. Having spent a number of years as a paralegal prior to attending law school, and with a developed bankruptcy background in her other work experiences, Tara brings focused bankruptcy knowledge to her work on the engagement.

### Experience

- Working on cases in active discovery and document review to prepare evidence supporting the SIPA Trustee's claims against defendants, and working to respond to document requests from defendants.
- Assisting in the representation of a large automobile manufacturer, including taking depositions and hearing attendance.
- Assisting an asbestos litigation team in trial preparation by reviewing documents and summarizing deposition testimony.
- Assisted in the representation of the Federal Deposit Insurance Corp. (FDIC) in its corporate and receivership capacities in bankruptcies of several failed bank holding companies, including reviewing productions and case preparations.

### Memberships

- American Bar Association
- Ohio State Bar Association
- Cleveland Metropolitan Bar Association

### Community

- Wills for Heroes
- Legal Aid Society
- Delta Theta Phi

# Dyanne Cho

Associate

## Los Angeles

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### Services

- Commercial Litigation

### Admissions

- U.S. District Court, Northern District of California
- U.S. District Court, Southern District of California
- U.S. District Court, Central District of California
- U.S. District Court, Eastern District of California
- U.S. Court of Appeals, Ninth Circuit
- California

### Education

- J.D., University of California, Hastings College of Law, 2015; *Hastings Law Journal*, Senior Production Editor
- B.A., University of California, Berkeley, 2009

Dyanne Cho caters to a broad range of service areas through her commercial litigation practice. She regularly handles matters in state and federal courts nationwide and has considerable experience in all stages of litigation, including developing litigation strategy, drafting key motions, preparing witnesses for deposition, taking and defending depositions, and managing large-scale ESI document review projects.

Dyanne has worked with clients in a variety of industries, including automotive manufacturing and distribution, food and beverage, healthcare, hospitality, and retail. She also has significant experience defending consumer protection and data breach class action cases. Dyanne utilizes the depth and breadth of her experience by applying her diverse skill set to her clients' unique needs.

# Gregory J. Commins Jr.

Partner

## Washington, D.C.

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### Services

- Commercial Litigation
- Antitrust and Competition
- Patent Litigation

### Prior Positions

- Howrey LLP, Commercial Litigation Group: Co-Chair

### Admissions

- U.S. Court of Appeals, Federal Circuit
- U.S. Court of Appeals, Eleventh Circuit
- U.S. Court of Appeals, District of Columbia Circuit
- U.S. District Court, District of Colorado
- U.S. District Court, District of Columbia
- U.S. District Court, Central District of Illinois
- District of Columbia
- New York

### Education

- J.D., Georgetown University Law Center, 1990, *magna cum laude*; Order of the Coif; Executive Editor, *Georgetown Journal of Legal Ethics* (1989 to 1990)
- B.A., Cornell University, 1987

Greg Commins is an established trial lawyer who focuses his practice on matters involving antitrust class action litigation, intellectual property disputes and complex commercial litigation. He has experience representing both plaintiffs and defendants in multiweek trials and on appeal throughout the country, as well as providing counsel on a variety of complicated commercial issues.

Greg is a contributor to BakerHostetler's Antitrust Advocate blog, providing informative commentary on the latest developments in the antitrust litigation sector. He is also an Accredited Mediator through the Centre for Effective Dispute Resolution.

### Experience

- Representing a class of dairy farmers in the northeastern United States against defendants in an action alleging violations of sections 1 and 2 of the Sherman Act by unlawfully conspiring to eliminate competition for the marketing, sale and purchase of raw milk in the Northeast.
- Represented a certified class of dairy farmers located in 14 southeastern states against Dairy Farmers of America, Dean Foods and a number of other defendants in an action alleging violations of sections 1 and 2 of the Sherman Act by unlawfully conspiring to eliminate competition for the marketing, sale and purchase of raw milk in the Southeast. The litigation was settled for more than 70 percent of the alleged damages.
- Represented a manufacturing client in two five-week jury trials regarding the prosecution of breach of contract and trade secret misappropriation claims involving the proper ownership and inventorship of fuel injector patents in which the plaintiff's verdicts were rendered. Moved for summary judgment against the defendants' counterclaims for breach of contract, trade secret misappropriation and fraud, which was granted.
- Represented a manufacturing client in a private antitrust case challenging parts acquisition and distribution practices. The client prevailed on directed verdict motion on the antitrust claims and obtained a jury verdict on the state law claims after presentation of the case to a jury in a five-week trial.
- Represented a manufacturing client in nine lawsuits over seven years involving claims of breach of contract, breach of license agreements,

tortious interference, trade secret misappropriation and fraud in which settlements were obtained. Handled similar matters for the client against the same parties in multiple federal districts (patent infringement cases), Illinois state court (breach of contract claims) and before the United States Patent and Trademark Office (separate interference and reexamination proceedings).

- Represents a manufacturing client in a patent infringement action with a supplier alleging the client's infringement on five patents related to tool production. Countered with a claim that the supplier had infringed on two of the client's patents. The ongoing matter is challenging the business relationship between the client and supplier, adding challenges to the business operations feeding into competing lawsuits.
- Served as counsel on behalf of steel company plaintiffs alleging unlawful conspiracy to monopolize against various railroads. The matter resulted in a plaintiff's verdict, which was upheld on appeal.
- Represented a client in a patent infringement lawsuit involving WCDMA and GSM technology in which the stipulation of noninfringement of one patent was reached following the court's Markman ruling; on the second patent, an order was entered precluding the plaintiff's damages expert under Daubert and summary judgment of no-pursuit damages based on the plaintiff's failure to mark under 35 U.S.C. 287(a) was obtained.
- Representing a manufacturing client in a patent infringement lawsuit involving vehicle tracking technology.
- Representing a manufacturing client in a patent infringement suit related to vehicle management systems.
- Representing a manufacturing client in a patent infringement suit related to an internet organizer for accessing geographically and topically based information.
- Served as counsel in a four-week jury trial involving claims of copyright infringement and breach of contract involving software. Following the trial, the parties settled the case.
- Acted as counsel in a bench trial. Sought a preliminary injunction against trade secret misappropriation in a case involving the provision of technical support services to the Royal Saudi Air Force.
- Serving as counsel in a six-week jury trial, defended a client against antitrust, fraud and misrepresentation claims based on a manufacturer's export restrictions that were promulgated in order to support overseas distributors and customers. Obtained judgment as a matter of law on the antitrust claims at the close of all the evidence. The jury returned verdicts in favor of the client on all remaining claims. The judgment was affirmed on appeal.

## Recognition

- The Legal 500 United States (2014 to 2019)
  - Recommended in Antitrust - Civil Litigation/Class Actions: Defense
- Washington, D.C. "Super Lawyer" (2012 to 2019)

- CEDR Accredited Mediator

### **Memberships**

- Pauline Newman American's Inn of Court
- American Bar Association

### **Pro Bono**

- Worked with the Archdiocesan Legal Network.

# Robert W. Cordiak

Associate

## Cleveland

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rcordiak@bakerlaw.com



### Prior Positions

- U.S. Department of Justice, Office of European Litigation: Intern (2017)
- The Honorable Barbara Scheper, Los Angeles Superior Court: Judicial Extern (2016)
- BlueMark Capital, LLC: Asset Management Intern (2014 to 2015)

### Admissions

- Ohio

### Education

- J.D., Notre Dame Law School, 2018; *Notre Dame Journal of Law, Ethics & Public Policy*, Staff Member; Student Bar Association, Alumni Relations Committee
- B.B.A., University of Cincinnati, 2015, *magna cum laude*

Diligent and detail-oriented, Bob Cordiak is focused on meeting clients' needs. His diverse legal experience ranges from drafting non-reliance clauses and conducting research on internet libel, to navigating loan service agreements during his two years at a commercial real estate firm.



# Kyle T. Cutts

Associate

## Cleveland

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## Los Angeles

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### Services

- Appellate and Major Motions
- Commercial Litigation
- Class Action Defense
- Antitrust and Competition

### Industries

- Financial Services Industry

### Prior Positions

- Law Clerk for the Honorable Jay S. Bybee, U.S. Court of Appeals, Ninth Circuit (2011 to 2012)

### Admissions

- Ohio
- California

### Education

- J.D., Case Western Reserve University School of Law, 2008, *summa cum laude*, Order of the Coif, Graduated First in Class
- B.A., Wake Forest University, 2002

Kyle Cutts focuses primarily on appellate litigation, motions practice, and trial strategy in state and federal courts. His experience spans many areas of law, including consumer class actions, commercial contract disputes and antitrust matters. Kyle also has experience defending class action lawsuits related to auto-renewal or continuous-service subscriptions, including claims brought under California's auto-renewal statute, Cal. Bus. & Prof. Code § 17600, *et seq.* Additionally, he maintains an active pro bono practice.

Kyle previously served as a law clerk for the Honorable Jay S. Bybee of the Ninth Circuit Court of Appeals. Prior to attending law school, he worked in Silicon Valley and in Hyderabad, India, for Google Inc. He also served as a Fulbright Scholar in Hamburg, Germany.

### Experience

- Secured dismissal of a class action complaint challenging client's use of an auto-renewal subscription service. At oral argument the court dismissed the complaint in its entirety and denied the plaintiffs leave to amend.
- Drafted a successful motion to dismiss a multi-count complaint asserting breach-of-warranty and negligence theories. Also drafted the briefing before the Fifth Circuit Court of Appeals, which affirmed the dismissal.
- Recently argued before the Seventh Circuit Court of Appeals in a case involving a dismissed petition for habeas corpus relief.
- Defended a leading home-goods manufacturer against a series of putative class actions in which plaintiffs alleged the manufacture and sale of failure-prone component parts.
- Successfully defended a client against the FTC in an antitrust merger challenge.
- Represented a department store chain against a competitor for tortious interference with a license agreement.

### Memberships

- Case Western Reserve University Law School Alumni Board



- American Bar Association
- Ohio State Bar Association

### **Pro Bono**

- Successfully secured release of a prisoner sentenced to life in prison without the possibility of parole as a juvenile.
- Represented a prisoner appealing the dismissal of his federal habeas petition.
- Successfully obtained asylum for an individual fleeing persecution in central Africa.

# Alyssa M. Daniels

Associate

## Cleveland

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### Prior Positions

- BakerHostetler: Summer Associate

### Admissions

- [Ohio Bar admission pending]

### Education

- J.D., University of Virginia School of Law, 2019; *Virginia Business Law Review*, Executive Editor; Lambda Law Alliance; Virginia Employment and Labor Law Association
- B.A., Political Science and Sociology; Minors in Business Management, Public Policy, Case Western Reserve University, 2016, *cum laude*

Alyssa Daniels's developing practice is bolstered by her experiences working directly with clients on a variety of matters. She has managed client intake processes and interviews, collaborating with other attorneys to accurately convey the client's position and goals. Additionally, Alyssa has experience researching legislative developments and providing an analysis of the law's new applications.

*\*Ohio Bar admission pending*

### Community

- Legal Aid of Northwest Texas: Volunteer (2016)

## Austin N. Davis

Associate

### Cleveland

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### Prior Positions

- BakerHostetler: Summer Associate
- Suffolk County District Attorney's Office: Appellate Division Summer Prosecutor
- International Refugee Assistance Project, Harvard Law School Chapter: Co-Director
- Harvard Law School Immigration Project: Co-President

### Admissions

- [Ohio Bar admission pending]

### Education

- J.D., Harvard Law School, 2019;  
*Harvard Civil Rights-Civil Liberties Law Review*
- B.A., Political Science, Middlebury College, 2011, *cum laude*

Austin Davis's strong research and writing skills create the framework for his growing practice. He has experience writing motion briefs and appellate briefs, as well as reviewing large amounts of documents for standardization and revisions. Notably, Austin has submitted and argued multiple complex asylum cases, both defensive and affirmative.

*\*Ohio Bar admission pending*

# BakerHostetler

Mark W. DeLaquil

## Partner

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## Overview

Mark DeLaquil is an experienced advocate who focuses on appellate practice, complex environmental and regulatory proceedings, and political law.

Mark has been recognized by Chambers USA for environmental litigation (2015), and has been named by Law360 as one of the "Top 5 Environmental Attorneys Under the Age of 40" on two occasions. He has also been designated as a Super Lawyers "Rising Star" (2014).

## Experience

### Environmental Regulatory Proceedings and Litigation

- Represented state and private clients in Clean Air Act administrative proceedings and litigation, including preparing comments on proposed actions and contesting them in courts of appeals. Has extensive experience in actions concerning climate change, air quality standards, emission standards, preconstruction and operating permits, and state implementation plans.
  - Represented a manufacturing company in an administrative proceeding defending the validity of its preconstruction and operating air permit.
  - Counseled a leading electric utility on Clean Air Act compliance strategy and the potential legal implications of climate change for the U.S. industry.

### Trial and Appellate Litigation

- Represented parties in appeals throughout the United States and argued numerous appeals in the Second, Seventh, Eighth, Ninth, and District of Columbia Circuits.
  - Argued appeals on behalf of manufacturers in support of affirmance of a decision dismissing a citizen suit alleging violations of the Clean Air Act preconstruction permitting program.
  - Argued an appeal on behalf of a nonprofit organization in support of affirmance of a preliminary injunction stopping a criminal investigation.
  - Argued an appeal in support of the reversal of a decision confirming labor arbitration awards.
  - Argued a challenge to a decision revising approval of a state implementation plan arising out of the Clean Air Act greenhouse gas regulation.
- Lead trial counsel or co-lead trial counsel in numerous federal court trials.
  - Lead trial counsel in an action obtaining permanent injunction barring the enforcement of state law binding delegates to national party conventions to the results of a presidential preference primary.
  - Co-lead trial counsel representing inventor in bench trial on whether the inventor was barred by prosecution laches from obtaining multiple patents. The court granted judgment on partial findings in favor of inventor.
  - Lead or co-lead trial counsel in multiple federal court actions to obtain patents.
- Represented parties and *amici curiae* in proceedings before the U.S. Supreme Court and nearly all of the U.S. Courts of Appeals.

- Represented an *amicus* group composed of all former Secretaries of Defense and members of the Joint Chiefs of Staff in an appeal of a decision denying qualified immunity to former Secretary of Defense Donald Rumsfeld, helping secure a rehearing en banc.
- Represented an *amicus* group of law professors before the U.S. Supreme Court supporting a petition for *certiorari* and merits proceedings in a global climate change public nuisance suit against electric utilities.

## Political Law

- Represented clients in a full array of campaign finance matters, from counseling compliance to successfully challenging the enforcement of state campaign finance law.
  - Obtained a preliminary injunction barring the enforcement of a state law requiring certain social welfare organizations to register as political committees.
  - Obtained a preliminary injunction barring the enforcement of a state law barring coordination between candidates and unaffiliated organizations concerning issues advocacy.
  - Argued an appeal seeking affirmance of a decision enjoining a criminal investigation into alleged state campaign finance violations.
  - Has counseled businesses and nonprofit entities on compliance campaign finance and ethics law requirements.

## Recognitions and Memberships

### Recognitions

- The Legal 500 United States (2019)
  - Recommended in Environment Litigation
- Chambers USA: Litigation: Environment in the District of Columbia (2015 to 2019)
  - Band 5 (2017 to 2019), Up & Coming (2015 to 2016)
- Law360 "Rising Star" in Environmental (2016)
- Law360 "Top 5 Environmental Attorneys Under the Age of 40"
- Martindale-Hubbell: AV Preeminent
- Washington, D.C., "Super Lawyer" (2018 to 2019)
  - Washington, D.C., Super Lawyers "Rising Star" (2014)

### Memberships

- ALI-ABA: Faculty of Global Warming: "Climate Change and the Law"

### News

- 5/5/2014  
BakerHostetler talks with *USA Today* about the SIPA Trustee's fourth pro rata interim distribution; states Madoff Recovery Initiative nears \$6 billion in distributions to allowed claimants
- 1/13/2014  
Law360 article on SCOTUS Request for DOJ Opinion on SIPA Trustee's Petition for Writ of Certiorari names BakerHostetler attorneys
- 1/7/2014  
BakerHostetler's settlement with JPMorgan Chase and the ongoing Madoff Recovery Initiative Discussed on National Public Radio's *All Things Considered*
- 2/15/2013  
BakerHostetler appears on NPR's *All Things Considered* to discuss Madoff Recovery Initiative; host Robert Siegel interviews SIPA Trustee Irving Picard and his Chief Counsel David Sheehan
- 2/12/2013  
Madoff Recovery Initiative surpasses \$5 billion in distributions to allowed claimants; CNBC's Scott Cohn discusses latest recovery with BakerHostetler's SIPA Trustee Irving Picard and his Chief Counsel David Sheehan

### Press Releases

- 6/3/2019  
BakerHostetler Attorneys Make Significant Gains in The Legal 500 Annual Guide
- 4/29/2019  
Chambers and Partners USA Honors 127 Attorneys and 43 Practice Areas in 2019 Guide
- 5/3/2018  
*Chambers and Partners USA* Honors 118 Attorneys and 45 Practice Areas in 2018 Guide

## Services

- Commercial Litigation
- Environmental
- Appellate and Major Motions
- Political Law

## Industries

- Energy Industry

## Admissions

- U.S. Court of Appeals, Federal Circuit, 2017
- U.S. Court of Appeals, Second Circuit, 2013
- U.S. Court of Appeals, Fourth Circuit, 2004
- U.S. Court of Appeals, Fifth Circuit, 2009
- U.S. Court of Appeals, Seventh Circuit, 2006
- U.S. Court of Appeals, Eighth Circuit, 2015
- U.S. Court of Appeals, Ninth Circuit, 2013
- U.S. District Court, Eastern District of Wisconsin, 2014
- U.S. District Court, District of Columbia, 2006
- U.S. District Court, Eastern District of Virginia, 2005
- U.S. Bankruptcy Court, Eastern District of Virginia, 2006
- U.S. Court of Appeals, District of Columbia Circuit, 2006
- U.S. Court of Appeals, Third Circuit
- District of Columbia, 2005
- Virginia, 2004

## Education

- J.D., Harvard Law School, 2004, *cum laude*
- B.A., University of Florida, 2001, *magna cum laude*

# BakerHostetler

Steven M. Dettelbach


## Partner

### Cleveland

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## Overview

Steven Dettelbach is a seasoned litigator and counselor who serves as co-leader of BakerHostetler's national White Collar, Investigations and Securities Enforcement and Litigation team. He returned to the firm in 2016 after spending almost seven years as the presidentially appointed United States Attorney for the Northern District of Ohio. As U.S. attorney, Steve ran high-profile investigations and both supervised and personally handled large-scale, crisis-level litigations, many of which involved intense public and media scrutiny. He also supervised a broad docket of complex civil matters, representing both defendants and plaintiffs. He has worked closely with and led selection processes for independent monitors when required.

Steve brings a depth of experience in managing crisis-level commercial, regulatory and criminal matters, as well as in advising clients on how to structure compliance programs so as to help avoid such problems. He has served in senior policy roles at the Department of Justice, having been appointed by two attorneys general to the prestigious Attorney General's Advisory Committee (AGAC), where he worked closely with other senior leaders at the department. Prior to his appointment, Steve served for almost two decades as a federal prosecutor at Main Justice and in three different United States Attorneys' Offices, as counsel in the United States Senate Judiciary Committee, as the nominee for Ohio Attorney General in 2018, and as a litigator in private practice. He has represented companies and individuals in high-stakes criminal, civil, internal and congressional investigations. He has tried more than 30 cases to verdict and been involved in criminal matters in more than 20 states and the District of Columbia. Steve has never lost a federal criminal trial.

## Experience

In his 28-year career, Steve has been involved in nearly every type of criminal, civil or regulatory investigation, in many circumstances with experience serving as counsel on different sides. He has also served as counsel on both sides of congressional hearings and investigations. Representative matters and areas of experience include:

### Healthcare

- Counseled an internet-based healthcare provider in its efforts to ensure compliance with multiple state and federal anti-kickback and inducement statutory and regulatory schemes.
- Represented a nursing home chain in a federal investigation that began as a criminal matter, was changed to a civil investigation and resulted in a regulatory action in which the client paid no fine or penalty.

### White Collar and Compliance

- Represented executives in major international DOJ and EPA investigation of alleged corporate fraud scheme.
- Represented companies and individuals in investigations by DOJ and Labor Department of alleged violations of labor laws.

- Personally handled one of the largest-ranging municipal corruption prosecutions in United States history, resulting in three trials and the conviction of officials and businesspeople in four major cities.
- Organized a coalition of more than 100 leading local businesses in Cleveland to improve their compliance and anti-corruption protections.
- Defended an executive in a bribery case involving construction projects at a healthcare agency. The defendant in that case pleaded guilty and received a sentence significantly lower than did the others involved in that scheme.
- Appointed by the governor and served as a commissioner on the Ohio Ethics Commission.

## FCPA

- Represented a senior energy executive in an FCPA and antitrust investigation in which the executive was identified as a target, but no charges were ever brought.
- Supervised a major FCPA investigation in which the target company negotiated a Deferred Prosecution Agreement and paid a fine in the tens of millions of dollars. Led the selection of an independent monitor for the company.
- Counseled and represented companies and individuals in investigations and on compliance issues involving the FCPA.

## Cybersecurity

- Oversaw the prosecution of a "hacktivist" for breaching the network of a nationally prominent cable news host.
- Led the effort to form a regional cybersecurity information-sharing consortium involving many of the largest corporate entities and universities in northern Ohio, the Federal Reserve Bank, the FBI, the United States Secret Service, and the United States Attorney's Office. Hosted a kickoff cybersecurity summit featuring the director of the FBI.

## Financial Services

- Oversaw the investigation and personally tried a case involving the largest credit union failure in United States history. The investigation resulted in convictions of more than 20 businesspeople, bank officials and organized crime figures for bank bribery, fraud and obstruction of justice.
- Oversaw a civil False Claims Act enforcement action involving a large bank for its actions leading up to the mortgage meltdown, resulting in a \$200 million fine.

## Congressional Matters

- Represented a senior House staff member in an investigation by the House Committee on Official Standards (Ethics).
- Served as counsel on the United States Senate Judiciary Committee, helping to draft and negotiate many of the key enforcement provisions of the Sarbanes-Oxley Act following oversight hearings in the Enron scandals.

## Civil Rights

- Oversaw the pattern and practice investigation of a major city police department and negotiated a landmark consent decree widely recognized as a national reform model. Led the selection of an independent monitor team to ensure compliance.
- Oversaw and handled numerous hate crimes prosecutions, including ritual violence directed at Amish victims and the torching of one of Ohio's largest mosques, both of which were recognized by the Department of Justice with rare national awards.

## National Security

- Participated in Senate oversight of the nation's implementation of post-9/11 security measures as counsel for then chairman Patrick Leahy of the Senate Judiciary Committee, helping to balance privacy and security measures.
- Oversaw the investigation and prosecution of numerous cases involving providing material support for foreign terrorist organizations, including al-Qaeda in the Arabian Peninsula, Hezbollah and ISIL.



- Oversaw the prosecution of self-proclaimed anarchists who attempted to blow up a Cleveland-area bridge during rush hour.

## Recognitions and Memberships

### Recognitions

- *The Best Lawyers in America*® (2019)
  - Ohio: Criminal Defense: White-Collar
- The Legal 500 United States (2017 to 2018)
  - Recommended in Dispute Resolution - Corporate Investigations and White-Collar Criminal Defense
  - Recommended in Corporate Governance
- Northeast Ohio Chapter of the American Constitution Society: Congresswoman Stephanie Tubbs Jones Award for Public Service (2016)
- Department of Justice Civil Rights Division Special Service Award in recognition of exceptional work as chair of the AGAC Civil Rights Subcommittee
- William D. Neumann Prosecutor of the Year, International Association of Financial Crimes Investigators (1998)
- Multiple Letters of Commendation from United States attorneys general, FBI directors, inspectors general and others
- Exemplar Award, Recovery Resources, for organizing and leading the Heroin and Opioid Task Force aimed at a multidisciplinary approach to the opioid epidemic (2015)
- Community Partner of the Year, Cuyahoga County Alcohol, Drug Addiction and Mental Health Services (2014)
- Cleveland Metropolitan Bar Association's Pace Setter Diversity and Inclusion Award, for community outreach and hiring as United States attorney (2012)

### Memberships

- National Association of Former United States Attorneys

### News

- 8/15/2018  
193 BakerHostetler Attorneys Named in 2019 Best Lawyers List; 10 Recognized "Lawyer of the Year"

### Press Releases

- 6/5/2018  
BakerHostetler Boosts High Marks in the Legal 500 2018 Annual Guide

### Alerts

- 4/2/2019  
2018 Year-End Cross-Border Government Investigations and Regulatory Enforcement Review
- 1/24/2019  
The House Always Wins: The DOJ Reverses Itself On The Wire Act
- 3/7/2018  
2017 Year-End Securities Litigation and Enforcement Highlights

### Community

- Legal Aid Society of Cleveland: Board of Directors
- Democratic Nominee for Ohio Attorney General (2018)
- Democratic National Convention
  - Platform Committee (2016)
  - Credentials Committee (2008)
- Montefiore Nursing Home, Beachwood, Ohio (2008 to 2009)
  - Board of Directors and Chair of Government Relations Committee

- Anti-Defamation League: Board of Directors for the Allegheny Region (2006 to 2008)
- Cleveland Marshall College of Law: Board of Visitors (2012 to 2015)

## Services

- White Collar, Investigations and Securities Enforcement and Litigation
- Commercial Litigation
- Foreign Corrupt Practices Act (FCPA)

## Industries

- Healthcare Industry
- Financial Services Industry

## Prior Positions

- United States Attorney for the Northern District of Ohio (2009 to 2016)
  - Attorney General's Advisory Committee (2010 to 2012 and 2015 to 2016)
  - Chairman, Civil Rights Subcommittee (2009 to 2016)
- Baker & Hostetler LLP: Partner (2006 to 2009)
- Ohio Ethics Commission: Commissioner (2008 to 2009)
- Assistant U.S. Attorney, Cleveland, Organized Crime and Corruption Task Force (2003 to 2006)
- United States Senate Committee on the Judiciary: Detailed as Counsel to Chairman Patrick Leahy (2001 to 2003)
- Assistant United States Attorney and Deputy Chief, Southern Division, District of Maryland (1997 to 2001)
- Civil Rights Division, Criminal Section: Trial Attorney and Acting Deputy Chief (1992 to 1997)
- Hon. Stanley Sporkin, United States District Court for the District of Columbia, Law Clerk (1991 to 1992)

## Admissions

- U.S. Court of Appeals, Fourth Circuit
- U.S. Court of Appeals, Sixth Circuit
- U.S. District Court, Northern District of Ohio
- Ohio
- District of Columbia

## Education

- J.D., Harvard Law School, 1991, *magna cum laude*
- A.B., Dartmouth College, 1988, *summa cum laude*, Phi Beta Kappa

**Eva Divok, Paralegal**  
**BAKER HOSTETLER**

Aug 2002 – Present      Baker Hostetler, Costa Mesa, CA  
*Paralegal*

Jan 2000 – Jul 2002      Daehnke & Cruz, Irvine, CA  
*Paralegal*

- Juris Doctor Degree, University of Komenius, Bratislava, Slovakia (Apr 1990)
- Legal Assistantship Certificate Program, University of California, Irvine (Apr 1992)
- Notary Public

# BakerHostetler

Thomas A. Donaho

## Associate

### Houston

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## Overview

Tom Donaho focuses his practice on complex commercial and business litigation. He has experience representing clients in a wide range of contract matters, business torts and real estate disputes. Tom also has specific experience advising and assisting clients in the energy industry with respect to risk management through oil field service agreements and on issues concerning the Texas Oilfield Anti-Indemnity Act.

## Experience

- Represented an oil field services company in a contract dispute concerning indemnity obligations specified in an equipment supplier agreement.
- Assisted an operator in revising terms of a master service agreement to more effectively manage risk.
- Assisted a client in revising an oil field services contract to ensure compliance with the Texas Oilfield Anti-Indemnity Act.
- Assisted a heavy equipment manufacturer in defending against strict liability and negligence claims.
- Assisted an oil field services company with a personal injury suit in which the plaintiff suffered life-threatening injuries.
- Assisted an oil field services company in defending against several product liability actions brought by individual litigants alleging personal injury.
- Represented an oil field services company in commercial litigation concerning alleged equipment failure and damages resulting therefrom.
- Represented an exploration and production company in arbitrations involving damage to offshore platforms.
- Represented an equipment manufacturer in collecting unpaid and/or overdue bills owed.
- Represented a commercial equipment manufacturer in a dispute concerning alleged equipment failure and economic loss resulting therefrom.
- Counseled an oil and gas client in connection with Chapter 11 bankruptcy proceedings. Representation included an investigation concerning preference actions, secured claims and adversary proceedings.
- Has represented operators and contractors with respect to contract risk management, well blowouts, onshore and offshore drilling, drafting of commercial oil field service agreements, joint operating agreements, catastrophic personal injury, exploration, completion, insurance disputes, and bankruptcy.

## News

- 12/10/2012  
Madoff Recovery Initiative Marks Fourth Anniversary ... Moves into Fifth Year Still Building Recovery Momentum
- 1/5/2012  
*The Wall Street Journal* showcases BakerHostetler and the "unprecedented magnitude" of the global recovery efforts in article "The Madoff Liquidation, Three Years Later"
- 10/4/2011  
Press Release: Initial Interim Distribution of Recovered Funds to Madoff Claims Holders

## Articles

- 7/9/2019  
New Handbook a Practical Guide to Oilfield Indemnity Issues

## Community

- World Affairs Council
- Spring Valley Civic Activities Board
- Buffalo Bayou Partnership

## Pro Bono

- Estate planning
- Ad Valorem Tax Disputes

## Services

- Commercial Litigation
- Product Liability and Toxic Tort

## Industries

- Energy Industry

## Prior Positions

- Harris County District Attorney's Office: Intern (2010)

## Admissions

- U.S. District Court, Northern District of Texas, 2013
- U.S. District Court, Southern District of Texas, 2012
- Texas

## Education

- J.D., The University of Texas School of Law, 2011; Editorial Board, *The Review of Litigation*
- A.B., Political Science, Duke University, 2008

# Dustin M. Dow

Associate

## Cleveland

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ddow@bakerlaw.com



### Services

- Class Action Defense
- Employment Litigation
- Employment Class Actions

### Prior Positions

- Massachusetts Attorney General's Office: Administrative Law Division Extern
- *Cincinnati Enquirer*: Sports Reporter

### Admissions

- U.S. Supreme Court
- U.S. Court of Appeals, Fourth Circuit
- U.S. Court of Appeals, Sixth Circuit
- U.S. District Court, District of Colorado
- U.S. District Court, Southern District of Ohio
- U.S. District Court, Northern District of Ohio
- U.S. District Court, District of Maryland
- Ohio

### Education

- J.D., Boston College Law School, 2012; *summa cum laude*; Executive Articles Editor, *Boston College Law Review*
- B.S., Kent State University, 2002

Dustin Dow focuses his practice on nationwide class actions, employment representation and insurance coverage. With comprehensive litigation experience, Dustin manages clients' needs throughout the litigation process, from pre-discovery to appeals. On insurance matters, Dustin counsels both policyholders and insurance carriers, providing practical insight to guide resolution of cutting edge, complex coverage disputes. Drawing on his background as a journalist, Dustin aggressively uncovers the facts of the matters facing his clients and provides timely, clear answers and recommendations to help them effectively achieve their goals. As the editor of the firm's annual class action review, Dustin is continually abreast of the most recent and relevant trends affecting companies dealing with potential class action liability.

An advocate for arts in education, Dustin is the Board Chairperson of the Center for Arts-Inspired Learning, and is a member of the City Club of Cleveland.

### Experience

- Regularly handles wage and hour collective actions arising under the Fair Labor Standards Act. In a recent case against leading janitorial company, successfully opposed conditional certification, leading to favorable early resolution of the lawsuit before a class was certified.
- Represented and provided coverage analysis to a mutual insurance company with respect to various claims made by policyholders sued for alleged violations of the Telephone Consumer Protection Act.
- Represented company facing class-action ERISA denial of benefits claims, achieving Rule 12 dismissal based on aggressive defensive approach.
- Represented and defended a company responsible for the placement and operation of red light traffic cameras in various class action litigations and appeals challenging the use of the cameras. Class action lawsuits were filed in Cleveland, Chicago, New York and Florida.
- Represented a leading manufacturer of parts for the aerospace industry and an executive employee against a suit for permanent injunctive relief under the theory of inevitable disclosure of trade secrets, resulting in a favorable judgment on the merits and denial of injunctive relief.
- Handles representation of railroad industry employers in Railway Labor

Act and Federal Railroad Safety Act lawsuits and appeals.

#### **Reported Decisions**

- *Campbell-Ewald Company v. Gomez*, 136 S. Ct. 663 (Jan. 20, 2016), (Amicus Brief concerning use of offer of judgment in Telephone Consumer Protection Act case).
- *Tyson Foods, Inc. v. Bouaphakeo*, 136 S. Ct. 1036, 2016 WL 1092414 (March 22, 2016), (Amicus Brief dealing with use of statistics for determining liability and damages and inclusion of uninjured class members in a class action under Rule 23 or a collective action under the Fair Labor Standards Act).
- *Standard Fire v. Knowles*, 133 S. Ct. 1345, (2013) (Amicus Brief in Class Action Fairness Act case).

#### **Recognition**

- Ohio Super Lawyers “Rising Star” (2018 to 2019)

#### **Community**

- Center for Arts-Inspired Learning: Chairperson, Board of Directors
- The City Club of Cleveland

# BakerHostetler

Cecily A. Dumas

## Partner

### Los Angeles

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## Overview

Cecily Dumas represents clients across diverse industries in all facets of financial distress, notably debt restructuring, mergers and acquisitions, and chapter 11 cases. Her significant background with business insolvency has led to favorable results for debtors, creditors' committees, chapter 11 trustees, secured and unsecured creditors, lessors and assets acquirers. Creative and collaborative, Cecily's strengths as a bankruptcy attorney have led to a solid reputation with leaders in technology, healthcare, biopharmaceuticals, real estate, energy and other fields.

Cecily is frequently asked to speak on panels and at corporate events, sharing her knowledge of the complex processes and procedures of bankruptcy cases.

## Experience

- Counsel to a Silicon Valley company that designs and manufactures computer data storage products, in its chapter 11 reorganization and acquisition, through which pre-petition debt was converted to sole equity ownership while preserving \$390 million of net operating loss carryforwards. Transaction honored as "Top Midmarket Turnaround" in Global M&A Network's 10th Annual Turnaround Atlas Awards.
- Restructuring counsel to a nonprofit healthcare system in the divestiture and recapitalization of its \$700 million Catholic hospital network.
- Advised agricultural landowner/commercial developer in complex restructuring involving \$25 million mezzanine financing, and refinancing and restructuring of \$50 million secured loans covering 14,000 acres of farm and grazing land, as well as business park in Central California.
- Counsel to the chapter 11 trustee in the bankruptcy cases of mortgage loan originator and blind pool fund involving \$180 million Ponzi scheme-related claims.
- Counsel to the debtor in the chapter 11 cases of *Mortgage Fund '08*, *Laboratory Skin Care*, *Wilkes Bashford Company* and *Ring Enterprises*.
- Represented more than 175 former partners in the bankruptcies of three major law firms with respect to claims by trustees for recovery of partner distributions and unfinished business claims.
- Ongoing representations of several Fortune 500 Silicon Valley companies regarding customer credit and bankruptcy matters. Possess experience in treatment of technology equipment leases and licenses in bankruptcy.

## Recognitions and Memberships

### Recognitions

- American College of Bankruptcy, Class XXI: Fellow
- Chambers USA: Bankruptcy/Restructuring in California (2017 to 2019)
  - Band 4 (2017 to 2019)
- *The Best Lawyers in America*® (2017 to 2019)
  - California: Bankruptcy and Creditor Debtor Rights /Insolvency and Reorganization Law
- *Northern California Super Lawyers*
  - Bankruptcy and Debtor/Creditor (2007 to 2018)
  - Top 50 Women Lawyers in Northern California (2012 to 2013)



- *Daily Journal*, Top Woman Lawyer (2019)

## Memberships

- American College of Bankruptcy: Ninth Circuit District Council
- American Bar Association, Business Law Section
- American Bankruptcy Institute
- Bay Area Bankruptcy Forum: Board Member (2014 to 2016)
- Bar Association of San Francisco
  - Commercial Law & Bankruptcy Section: Chair (2002)
- Northern District of California: Ninth Circuit Lawyer Representative (2009 to 2012)

## News

- 5/10/2019  
Cecily Dumas Named a "Top Woman Lawyer" in California

## Press Releases

- 4/29/2019  
Chambers and Partners USA Honors 127 Attorneys and 43 Practice Areas in 2019 Guide
- 4/17/2019  
BakerHostetler Enhances West Coast Presence With Addition of 3 Partners

## Community

- San Francisco Youth Soccer: Board of Directors

## Services

- Bankruptcy, Restructuring and Creditors' Rights
- Mergers and Acquisitions

## Industries

- Energy Industry
- Healthcare Industry

## Admissions

- U.S. District Court, Central District of California
- U.S. District Court, Eastern District of California
- U.S. District Court, Northern District of California
- U.S. District Court, Southern District of California
- U.S. Court of Appeals, Ninth Circuit
- California

## Education

- J.D., Golden Gate University School of Law
- A.B., University of California, Berkeley

# David D. Ebersole

Associate

## Columbus

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debersole@bakerlaw.com



## Services

- State and Local Tax
- Transactional Tax

## Prior Positions

- Ohio Attorney General: Assistant Attorney General - Taxation (2011 to 2016)
- Ohio Court of Claims: Law Clerk (2009)
- KPMG LLP: Audit Intern (2007)

## Admissions

- U.S. District Court, Southern District of Ohio
- U.S. Court of Appeals, Sixth Circuit
- U.S. Tax Court
- U.S. Supreme Court
- Ohio

## Education

- J.D., The Ohio State University Michael E. Moritz College of Law, 2011, *cum laude*; Moritz Merit Scholar
- B.S.B.A., Accounting and Finance; Minor in Political Science, The Ohio State University, Fisher College of Business, 2008, *magna cum laude*

Dave Ebersole works closely with clients on tax issues, with a particular focus on state and local tax needs. Drawing from his experience as an Assistant Ohio Attorney General, he provides businesses and business owners with knowledgeable counsel on tax planning and compliance, as well as handling tax controversy and audits. He also has vast experience representing clients in tax litigation before state and federal courts and tax tribunals. Dave additionally serves as a trusted advisor to clients on state and federal tax issues that arise in connection with entity formation, business transactions, estate and succession planning, and tax-exempt entities.

Dave is a frequent presenter at the annual Ohio Tax Conference and other events and currently serves as the contributing editor to *Baldwin's Ohio Tax Law and Rules*.

## Experience

- Works regularly with various tax department officials upon audit or administrative appeals. He has represented clients in numerous tax litigation matters before the Ohio Board of Tax Appeals, upon appeal to Ohio courts including the Supreme Court of Ohio, and before the U.S. Tax Court.
- Advises clients on multijurisdictional state and local tax issues with an emphasis on the major Ohio taxes including the sales and use, personal income, commercial activity, and real property taxes.
- Advises clients on federal taxation issues regarding partnerships, limited liability companies, S corporations, C corporations, tax-exempt entities, and estate and succession planning.
- Defended Ohio Tax Commissioner in tax litigation before the Ohio Board of Tax Appeals and Ohio courts of appeal, including the Ohio Supreme Court.

## Memberships

- Ohio State Bar Association
- American Bar Association

## Pro Bono

- Argued Medicaid appeal for child with cerebral palsy to continue receiving skilled nursing care after being denied by the Ohio Department of Developmental Disabilities. The initial denial of nursing care was subsequently overturned through an administrative appeal before the Ohio Department of Job and Family Services.

# BakerHostetler

Joseph M. Esmont

## Counsel

Cleveland

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## Overview

Joe Esmont is a veteran commercial attorney. He litigates complex commercial and financial disputes, restructures troubled companies, protects clients from distressed business partners, advises clients acquiring distressed assets, and drafts commercial agreements. Joe is particularly experienced in distressed oil and gas assets, troubled financial institutions, and investigating complex fraud schemes.

## Experience

- Represented a publicly traded, bankrupt offshore exploration and production company with more than \$200 million in assets in obtaining post-bankruptcy financing, developing a plan to decommission its assets and divesting unproductive properties to recover environmental bond collateral.
- Lead associate in a bankruptcy trustee's investigation of a \$200+ million Ponzi scheme spanning dozens of entities and millions of documents.
- Has represented both buyers and sellers of oil and gas leases and related assets in sales under Section 363 of the Bankruptcy Code, including representing the buyer of two fields containing approximately 50 producing wells from a bankrupt independent energy company and the bankrupt seller of both operating and working interests in seven offshore platforms and related leases.
- Represented a buyer of oil and gas leases in seven-figure litigation relating to pre-closing an oil spill. Successfully negotiated agreements that reduced the client's exposure by 70 percent.
- Represented a defendant as second-chair counsel in a \$50+ million fraudulent transfer suit that was successfully dismissed.
- Represented the bankruptcy trustee of an investment management firm accused of running an options cherry-picking scheme in the wind-down of its hedge funds and negotiations with the Securities and Exchange Commission.
- Represented the successor management of a private equity fund in investigating a \$9 million fraud by the predecessor management.
- Successfully advised an investment fund in resisting a threatened capital call by a failing real estate fund.
- Represents the Federal Deposit Insurance Corp. in litigation arising from the failure of two substantial Midwestern bank holding companies and their subsidiary banks.
- Represented Irving H. Picard, the Securities Investor Protection Act Trustee for the liquidation of Bernard L. Madoff Investment Securities LLC, in connection with BakerHostetler's role as court-appointed counsel to the Trustee.
- Represented the plaintiff in successful fraudulent transfer litigation against filmmaker National Lampoon.
- Represented the plaintiff in a commercial dispute against a Wall Street hedge fund that settled for \$35 million.
- Represented a bankruptcy trustee in the auction of a multimillion-dollar classic car collection and a \$600,000 art collection.
- Represented a bankruptcy trustee in negotiations with landlords and utilities.

## Recognitions and Memberships

### Recognitions

- National Conference of Bankruptcy Judges: Next Generation (2017)

## Memberships

- American Bar Association
- Cleveland Metropolitan Bar Association
  - Association for Corporate Growth
  - Young ACG Mentorship Committee
  - Turnaround Management Association
  - TMA NextGen, Cleveland Chapter: Chairman

## News

- 1/17/2019  
Liz Green, Team Earn "Deal of Year" Honors for Alliance Medical Holdings Sale
- 1/10/2018  
Joe Esmont Participates in Competitive Bankruptcy Sale Presentation

## Articles

- 11/1/2009  
*Cleveland Metropolitan Bar Journal*: Dealing With Consumer-Generated Content on Social Networking Sites

## Community

- Cleveland Metropolitan Bar Association 3Rs Program
- Turnaround Management Association (TMA) Financial Literacy Course

## Services

- Bankruptcy, Restructuring and Creditors' Rights
- Environmental

## Industries

- Financial Services Industry
- Energy Industry

## Admissions

- U.S. District Court, Northern District of Ohio, 2009
- U.S. Bankruptcy Court, Northern District of Ohio, 2009
- U.S. District Court, Southern District of Ohio
- Ohio

## Education

- J.D., University of Virginia School of Law, 2008
- B.A., Political Science, History, Towson University, 2005, *summa cum laude*

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## **Carly D. Eyler, M L I S**

### **PROFESSIONAL EXPERIENCE**

#### **Baker & Hostetler, LLP, Seattle, WA**

*Legal Researcher, December 2017 – Present*

#### **Keller Rohrbach LLP, Seattle, WA**

*Assistant for Research & Information Services, September 2014 – December 2017*

#### **Perkins Coie LLP, Seattle, WA**

*Patent Paralegal Assistant, October 2013 – September 2014*

*Temporary Administrative Assistant, July 8, 2013 – October 2013 (Referred by Law Dawgs)*

#### **Law Dawgs, Seattle WA**

*Temporary Legal Administrative Assistant, June 2013 – October 2013*

- Provided temporary legal assistance at various law firms and businesses in the Seattle area.

#### **Professionals Library Service, Inc., Chicago, IL**

*Law Library Assistant, June 2011 – March 2013*

### **EDUCATION**

**University of Illinois Urbana-Champaign, Urbana-Champaign, IL Graduate School**  
*of Library and Information Science, M.L.I.S., May 2012, 3.96*

#### **University of Washington, Seattle, WA**

*Comparative History of Ideas (Major) and Women's Studies (Minor). B.A., July 2007*

### **PROFESSIONAL ASSOCIATIONS**

#### **Law Librarians of Puget Sound (2016 President's Award winner)**

Member | 2012 – Present

Vice President / President-Elect | 2019 - Present

Treasurer and Executive Board Member | 2015 – 2017

Professional Development Conference Committee Member | 2018

Social Committee | Member: 2013 – Present; Chair: 2017 – 2019

Grants Committee | Member: 2015 – Present; Chair: 2014 – 2015

#### **American Association of Law Libraries (AALL)**

Member | 2014 - Present

# Danyll W. Foix

Partner

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## Services

- Class Action Defense
- Antitrust and Competition
- Commercial Litigation
- Noncompete and Trade Secrets

## Admissions

- U.S. District Court, District of Minnesota
- U.S. District Court, District of Columbia
- U.S. Court of Appeals, Second Circuit
- U.S. Court of Appeals, Sixth Circuit
- Minnesota
- District of Columbia

## Education

- J.D., University of Minnesota Law School, 1998, *Journal of Law & Inequality*, Managing Editor (1997-98) and Staff Editor (1996-97)
- B.A., University of Minnesota, 1995

Dan Foix advises clients on a range of antitrust issues and represents clients in commercial disputes, with a particular focus on antitrust litigation, class actions, and investigations. He routinely counsels clients on matters ranging from antitrust questions that arise during day-to-day business operations to strategic marketing initiatives and pricing regimes. Dan also represents clients in commercial disputes, particularly antitrust litigation and class actions. He has provided vigorous representation of large companies defending antitrust claims brought as individual and class action cases. He also has helped clients bring antitrust claims as plaintiffs, recovering more than \$400 million in settlements for clients in recent years. In addition, Dan represents clients in merger and other investigations by antitrust enforcement authorities such as the Department of Justice and Federal Trade Commission. He has guided clients through investigations, helping reach resolutions that make business sense.

Dan is the editor of BakerHostetler's Antitrust Advocate blog for which he is a regular contributor, and he also publishes and presents on best practices and developments in the antitrust and class action sectors. His antitrust experience and client representation has been recognized by leading attorney directories, including being "recommended" for antitrust-civil litigation/class actions by *The Legal 500* (2017) and being selected as a "top rated antitrust litigation lawyer" by Super Lawyers (2017).

## Experience

- Served as one of the trial counsel to a global engineering company in an indemnity case arising out of a food manufacturing plant explosion. After a four-week trial, a Nebraska jury returned a verdict of \$108.9 million in favor of the client, twice the amount of the largest verdict in the jurisdiction at that time. This result was recognized by the *National Law Journal* as a "Top 50 Verdict" of 2016 in its Elite Trial Lawyers report.\*
- One of the principal attorneys representing a certified class of dairy farmers in an action alleging large dairy processors, a cooperative and others unlawfully conspired to eliminate competition for the marketing, sale and purchase of raw milk in 14 southeastern states. The litigation recovered more than \$300 million, plus non-monetary relief, for the clients and class.\*
- Member of a team representing a large global manufacturing client, providing advice as well as representation during any litigation that may

arise. Has served as a key team member in state and federal court litigation involving antitrust, dealer termination, breach of contract, and fraud claims.

- One of the principal attorneys representing a certified class of dairy farmers in an action alleging an unlawful conspiracy to eliminate competition for the marketing, sale and purchase of raw milk in the Northeast in violation of sections 1 and 2 of the Sherman Act. Settlements totaling \$80 million, plus non-monetary relief, have been obtained on behalf of the clients and class.\*
- Represented a food company in a hostile dispute with a rival corporation over the misappropriation of product packaging trade secrets. The three-year matter was resolved via settlement of all claims reached on the eve of trial.
- Represented a global news company in a Department of Justice investigation of a proposed merger. The client received clearance following an intensive, expedited second request for information.
- Represented a group of insurance companies and individuals in a Department of Justice investigation of alleged anticompetitive pricing practices. The investigation closed following limited discovery, with no action taken by the government.
- Represented an international oil company in an investigation of a potential price-fixing claim against a service provider. The matter was later settled.
- Represented a food and beverage company in a Federal Trade Commission investigation of a proposed acquisition. Obtained acquisition clearance.
- Represented a class of tobacco growers in price-fixing actions against tobacco dealers and cigarette manufacturers. Recovered funds for the clients in a series of settlements after extensive litigation, with a remaining defendant settling at trial.

\* Does not guarantee similar results in comparable matters.

## Recognition

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- The Legal 500 United States (2014, 2017 to 2019)
  - Recommended in Antitrust - Civil Litigation/Class Actions: Defense
- Washington, D.C. "Super Lawyer" (2014 to 2017, 2019)
- *National Law Journal* "Elite Trial Lawyer" Report: Top 50 Verdict (2016)

## Memberships

- American Bar Association
  - Section of Antitrust Law



- Section of Litigation

# BakerHostetler

Elizabeth Price Foley

## Of Counsel

Washington, D.C.

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[efoley@bakerlaw.com](mailto:efoley@bakerlaw.com)



## Overview

Elizabeth Foley provides a rare blend of the practical and theoretical aspects of law, serving simultaneously as of counsel with the firm and as a full, tenured professor of law at Florida International University College of Law, where she teaches constitutional law, healthcare law, food and drug law, and civil procedure. Elizabeth brings to her practice extensive experience with the Legislative and Executive branches, having served on Capitol Hill as a health policy adviser, a lobbyist for a large managed care organization and an expert witness before Congress on important issues of constitutional and healthcare law.

Elizabeth is the author of three books on constitutional law, published by Yale, Harvard and Cambridge university presses, and is a frequent op-ed writer and media commentator on issues of constitutional and healthcare law, with her opinions appearing in such publications as the *Wall Street Journal*, *Washington Post*, *New York Times*, *Los Angeles Times*, *Washington Times*, *Politico*, *Weekly Standard*, *Daily Caller*, *New York Post* and *National Law Journal*.

## Experience

### Constitutional

- Devised a legal challenge on behalf of the U.S. House of Representatives regarding the constitutionality of executive alterations of the Affordable Care Act.
- Has advised clients on due process limitations when attempting to exercise general personal jurisdiction over a foreign bank.
- Represented states in a separation of powers-based (federalism) challenge to the Clean Power Plan.
- Has represented businesses in federal and state constitutional economic liberty challenges to burdensome local and state regulations.
- Has filed *amicus curiae* briefs in numerous high-profile Supreme Court constitutional cases involving separation of powers, due process, equal protection and First Amendment rights.
- Advised an indicted political officeholder on First Amendment retaliation, equal protection and substantive due process claims (deprivation of reputational and occupational liberty), and related immunity defenses.
- Has advised members of Congress on institutional standing to sue.
- Assessed the viability of substantive due process and equal protection interests asserted by a state judicial officeholder.

### Food and Drug

- Represented a pharmaceutical company in presenting the Food and Drug Administration Citizen Petition raising complex "sameness" arguments and challenging a generic drug's bioequivalency.
- Served a key staff role in drafting and implementing the Medicaid prescription drug rebate program (the Omnibus Budget Reconciliation Act of 1990).
- Extensively investigated cosmetic safety on behalf of the House Subcommittee on Oversight and Investigation (1990 to 1991).

## Healthcare

- Conducted a nationwide undercover congressional investigation into abuses in the sale of long-term care insurance on behalf of the House Subcommittee on Oversight and Investigation and the Select Committee on Aging.
- Played a key staff role in drafting and implementing the 1990 Medicare supplement insurance (Medigap) reform legislation.
- Extensively involved in drafting and implementing 1990 and 1991 amendments to the National Practitioner Data Bank on healthcare practitioners and related peer review immunity provisions of the Health Care Quality Improvement Act.

## Recognitions and Memberships

### Recognitions

- National University of Ireland School of Law: Fulbright Scholar (2011)

### Memberships

- American Bar Association
- American Health Lawyers Association
- U.S. Commission on Civil Rights, Florida State Advisory Committee
- James Madison Institute: Research Advisory Council
- Cato Institute, *Supreme Court Review*: Editorial Board
- Florida International University: Institutional Review Board (IRB) (2008 to 2015)
- National Academy of Sciences: Committee on Embryonic Stem Cell Research Guidelines (2004 to 2006)

### News

- 2/26/2014  
Elizabeth Price Foley Testifies Before the House Judiciary Committee on "Enforcing the President's Constitutional Duty to Faithfully Execute the Laws"
- 3/23/2012  
Elizabeth Price Foley's Obamacare Amicus Brief Praised in *Washington Post* Article

### Articles

- 11/24/2014  
*The Wall Street Journal* Article Authored by Rivkin and Foley Discusses Obama's Immigration Policy
- 7/30/2014  
*The Wall Street Journal* Publishes "The Case for Suing the President" by Rivkin and Foley
- 7/25/2014  
David Rivkin and Elizabeth Foley Co-Author Article Opposing Supreme Court Decision to Uphold Affordable Care Act Provision
- 6/26/2014  
Elizabeth Price Foley Publishes "A Supreme Smackdown of the President"
- 1/29/2014  
Elizabeth Price Foley Authors Article on President Obama Ignoring the Execution of Laws
- 1/15/2014  
Rivkin and Foley Author Article on President Obama Working Around Congress

### Pro Bono

- Represented a small business owner in a successful First Amendment defense to criminal misdemeanor charges triggered by flying an American flag outside his place of business.

- Represented college students in a successful civil settlement and defense of criminal charges based on violation of the Fourth Amendment by police who demanded identification in the absence of reasonable suspicion of criminal activity.
- Represented a street vendor in a constitutional economic liberty challenge to local ordinances limiting such vending.

## Services

- FDA, Products Promotion, and Defense
- Appellate and Major Motions

## Industries

- Healthcare Industry
- Life Sciences

## Prior Positions

- Institute for Justice, Florida Chapter: Executive Director (2011 to 2012)
- Michigan State University College of Law:
  - Tenured Professor of Law (2000 to 2002)
  - Untenured Associate Professor of Law (1996 to 2000)
- Michigan State University College of Human Medicine: Adjunct Professor (1998 to 2002)
- Law Clerk for the The Honorable Carolyn Dineen King, U.S. Court of Appeals for the Fifth Circuit (1994 to 1995)
- U.S. Congressman Ron Wyden: Senior Legislative Aide for Health Policy (1989 to 1991)
- U.S. Congressman Michael A. Andrews: Health Policy Legislative Aide (1987 to 1988)

## Admissions

- District of Columbia, 2016
- Florida, 2011
- Texas, 1994

## Education

- LL.M., Harvard Law School, 1996
- J.D., University of Tennessee College of Law, 1994, with highest honors (Valedictorian)
- B.A., Emory University, 1987

# BakerHostetler

Lars H. Fuller

## Counsel

Denver

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lfuller@bakerlaw.com



## Overview

Lars Fuller is a commercial attorney with particular experience in bankruptcy and distressed circumstances. He focuses his practice on transactions, restructurings and litigation related to troubled company situations. Lars draws from a depth of knowledge to design unique solutions to complicated problems, ensuring long-term success for his clients.

## Experience

- Represents Irving H. Picard, Trustee for the SIPA liquidation of Bernard L. Madoff Investment Securities LLC, in connection with BakerHostetler's role as counsel.
- Represented privately held entity with excess of \$30 million in debt resolution and windup outside of bankruptcy.
- Represented oil and gas developer in recovery of more than \$1 million from executory contract in chapter 11 bankruptcy pending in the Northern District of Texas.
- Represented landlord in recovery of post-petition rents in chapter 11 bankruptcy of national retailer penning in Delaware.
- Represented international preference defendant in bankruptcy litigation defending claim in excess of \$900,000.
- Representing committee of unsecured creditors holding claims in excess of \$30 million in bankruptcy of title insurance agent and subsidiaries.
- Represented oil and gas supplier as creditor in chapter 11 bankruptcies involving secured and unsecured claims.
- Represented minerals producer in startup, development and litigation.
- Represented chair of unsecured creditors committee in chapter 11 bankruptcy of debtor with debts in excess of \$20 million.
- Represented secured creditor holding \$8 million claim in condominium complex owned by chapter 11 debtor. Evaluated and advised creditor on cash collateral issues, relief from stay, disclosure statement and plan issues.
- Represented bank holding \$16 million claim secured by real estate and cattle held by individual and entities and located in multiple states.
- Coordinated Article 9 foreclosure and advisement of bank following involuntary bankruptcy filed against debtor.
- Represented commercial debtor with debts in excess of \$3 million, in windup outside of bankruptcy.
- Represented aircraft lessor holding claims in excess of \$10 million in chapter 11 bankruptcies.
- Represented reorganization of chapter 11 commercial debtor with more than \$3 million in gross annual revenues. Drafted statement of financial affairs, schedules, monthly operating reports, disclosure statement and plan.
- Represented bank holding claim in excess of \$400,000 secured by cattle and personalty. Evaluated Article 9 rights and remedies, title issues, and estate claims, and negotiated resolution with chapter 7 bankruptcy trustee.
- Represented commercial landlord of 185,000-square-foot building and \$9 million future rent claim with tenant in chapter 11, advising client of bankruptcy rights and remedies.
- Represented bankruptcy trustee of estate with claims in excess of \$30 million and assets valued between \$5 million and \$10 million, in avoidance suits.
- Represented international company in sale of assets, liquidation litigation and windup.
- Represented borrower in refinancing of \$3 million plus debt for apartment complex.
- Represented secured lender with claim in excess of \$300,000 in chapter 11 bankruptcy, evaluating disputed lien priority issues, cash collateral issues and default remedies.

## Recognitions and Memberships

### Memberships

- American Bankruptcy Institute (ABI Volo Project Editor)
- Colorado Bar Association
- Denver Bar Association
- Faculty of Federal Advocates

### News

- 1/5/2012  
*The Wall Street Journal* showcases BakerHostetler and the "unprecedented magnitude" of the global recovery efforts in article "The Madoff Liquidation, Three Years Later"
- 10/4/2011  
Press Release: Initial Interim Distribution of Recovered Funds to Madoff Claims Holders

### Alerts

- 3/27/2019  
Financial Services 2018 Year-End Report
- 1/10/2019  
Supreme Court Overturns "Wholly Groundless" Exception to Contractual Delegations of Arbitrability Decisions to Arbitrators

### Services

- Bankruptcy, Restructuring and Creditors' Rights
- Debt Finance
- Private Equity and Venture Capital
- Commercial Litigation

### Industries

- Financial Services Industry

### Prior Positions

- Jessop & Company, P.C.: Associate
- Rothgerber Johnson & Lyons LLP: Associate
- Connolly, Halloran & Lofstedt, P.C.: Associate
- Law Clerk for the Honorable Patricia Clark, U.S. Bankruptcy Court for the District of Colorado
- Law Clerk for the Honorable A. Bruce Campbell, U.S. Bankruptcy Court for the District of Colorado

### Admissions

- U.S. District Court, District of Colorado
- U.S. District Court, District of Nebraska
- Colorado, 1995

### Education

- J.D., University of Colorado Law School, 1995
- B.A., English and Philosophy, University of Southern California, 1990

**Carly R. Gage**

**BAKER HOSTETLER**

Fall 1999 – July 2000

**Roianne Houlton Frith & Associates**

Legal Assistant

August 2000 – March 2011

**Howrey, LLP**

Litigation Support Analyst, Coordinator, Project Manager  
and Sr. Project Manager

April 2011 – Current

**Baker Hostetler**

Litigation Support Project Manager

- Bachelor of Science in Criminal Justice, Texas State University, May 2000.

# M. Kristin Gerety

Associate

## Houston

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## Services

- Product Liability and Toxic Tort
- Commercial Litigation
- Antitrust and Competition

## Industries

- Energy Industry
- Shale

## Admissions

- Texas

## Education

- J.D., The University of Texas School of Law, 2010, with honors, Dean's Achievement Award in Electronic Discovery, Business Foundations Certification

Kristin Gerety focuses her practice on complex commercial and business litigation, with a concentration on oil and gas litigation and energy-related matters. A trusted advocate, Kristin is competitive when necessary and pursues creative solutions that align with her clients' long-term business goals.

## Experience

- Represented drilling contractor in dispute over IADC Daywork Drilling Contract. Performed extensive research and drafted dispositive motions pertaining to choice-of-law and indemnification. Resulted in application of the law most favorable to client and enforcement of operator's indemnification obligations.
- Represented oil and gas operator in suit concerning significant personal injury on the worksite. Through a series of motions, obtained quick dismissal and severance of all claims against client, thus avoiding unnecessary litigation costs and exposure.
- Represented manufacturer of jetways in federal court litigation concerning products liability, negligence, and breach of warranty claims. Drafted dispositive motion that resulted in dismissal of all claims against client without the need for oral argument.

## Memberships

- American Bar Association
- Texas Bar Association
- Houston Bar Association

## Pro Bono

- Represented client through the Houston Volunteer Lawyers Program to efficiently probate an estate with multiple beneficiaries, one of whom had been deported to Mexico. Prevented impending foreclosure on client's home.
- As part of the Houston Volunteer Lawyers Program, assisted various clients by drafting probate and estate planning documents.





**Brian Godsen**  
**BAKER & HOSTETLER LLP**

Mar 2018 – Present	<b>Baker &amp; Hostetler LLP</b> SharePoint Developer
Sept 2012 – Mar 2018	<b>Aptiv</b> Systems Engineer / Supervisor
Apr 2008 – Sept 2012	<b>Youngstown State University</b> Programmer / Analyst

- Master of Business Administration from Youngstown State Univ, August 2009
- Bachelor of Science in Computer Science from Youngstown State Univ, Spring 2007

# Steven H. Goldberg

Partner

## New York

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*Sources appreciate Steven Goldberg's "great business sense," and praise him as a "master legal technician" who produces "careful and tightly written work."*

— Chambers USA 2013

## Services

- Corporate Governance
- International Transactions
- Media Mergers and Acquisitions
- Mergers and Acquisitions
- Private Equity and Venture Capital
- Securities Offerings and Compliance

## Admissions

- New York

## Education

- J.D., New York University School of Law, 1990
- B.S.B.A., Washington University in St. Louis, 1987

Steven Goldberg is co-leader of the firm's national Mergers and Acquisitions team and is the Business Group Coordinator for the New York office. Steven is widely recognized as one of the leading M&A lawyers in the country. He practices primarily in transactions, private equity, joint ventures and strategic investments. For more than 25 years, he has represented both publicly traded and privately held companies in transactional and securities matters in a number of industries.

Steven frequently writes about corporate topics and has been cited in various professional periodicals. He has been continually recognized individually and for his practice in The Legal 500 and is also continually ranked in *Chambers USA: America's Leading Lawyers for Business*, where he has been described as an **"extraordinarily bright and hardworking" lawyer who 'is really adroit at realizing our needs and getting to the core of the issue quickly'"** (*Chambers USA 2015*). In 2018, The Legal 500 again named him a Top 10 "Leading Lawyer" in Mergers & Acquisitions. He was also named a "Super Lawyer" in the New York metropolitan region. He is the winner of the 2017, 2015, 2014 and 2012 M&A Advisor TMT (Technology, Media and Telecom) Sector Deal of the Year Award and the 2017, 2015 and 2010 M&A Advisor Middle-Market Deal of the Year Award. Steven sits on the advisory board of WITNESS, a global human rights organization. He also sits on the 2019 Law360 Editorial Board for Mergers & Acquisitions.

## Experience

- Has represented both U.S. companies investing abroad and non-U.S. companies investing in the U.S.
- Has been involved in transactions involving only international companies. Experience includes M&A matters for clients globally including in the European Union, Canada and Asia (including India).
- Experienced in corporate governance and securities matters. Has provided advice on commercial lending transactions and the equity and debt restructurings of public and private companies.
- Regularly represents private equity funds and bank holding companies in connection with their investments in various portfolio companies.
- Regularly advises both publicly traded and privately held companies in connection with their global investment and divestment programs.

- Has advised various boards of directors on issues relating to fiduciary duties and lockup arrangements and the role of special committees in affiliate, management and other perceived conflict transactions (including going-private transactions). Regularly advises boards, special committees and financial advisers on the delivery of appropriate fairness opinions.
- Has advised on a number of transactions in which government contracts are a key asset.

## Recognition

- Euromoney's Best of the Best USA Expert Guides: Top 30 M&A Lawyer in the USA (2019)
- Chambers Global: Corporate/M&A (USA) (2017 to 2018)
  - Band 4 (2017 to 2018)
- Chambers USA: Corporate/M&A in New York (2013 to 2019)
  - Band 5 (2018 to 2019 & 2013 to 2015), Band 4 (2016 to 2017)
- The Legal 500 United States (2012 to 2019)
  - Leading Top 10 Lawyer in M&A - middle-market (\$500m-\$999m)
- New York Metro "Super Lawyer" (2013 to 2019)
- *The M&A Advisor*
  - M&A Advisor Leadership Award (2019)
  - M&A Deal of the Year (from \$200 million to \$500 million); Consumer Discretionary Deal of the Year (over \$100 million): Lead Partner in the representation of The E.W. Scripps Company acquisition of Katz Broadcasting and Bounce Media (2017)
  - M&A Middle-Market Deal of the Year; TMT Sector Deal of the Year: Lead Partner in representation of The E. W. Scripps Company's and Journal Communication Inc.'s spin off, a combination of their newspaper businesses to form a new public company and a combination of their broadcast businesses by merging Journal into a wholly-owned subsidiary of Scripps (2015)
  - Middle Market Deal of the Year (from \$100 million to \$250 million) in representation of The E.W. Scripps Company in its acquisition of two television stations from Granite Broadcasting (2014)
  - Lead partner in representation of The E.W. Scripps Company's purchase of McGraw-Hill's Broadcasting Group, for which BakerHostetler was awarded "Sector Deal of the Year" (from \$100 million to \$1 billion)" in the "Technology, Media and Telecom Category" (2012)
  - Lead partner in sale of Characters Licensing, a subsidiary of Scripps responsible for the licensing of the Peanuts characters, Dilbert, Fancy Nancy, and others to the Iconix Brand Group and family members of the late Charles Schulz, for which BakerHostetler was awarded "Middle Market Deal of the Year" (from \$100 million to \$250 million) (2010)

## **Memberships**

- Law360: Mergers and Acquisitions Editorial Board

# BakerHostetler

Eric R. Goodman

## Partner

### Cleveland

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F +1.216.696.0740

[egoodman@bakerlaw.com](mailto:egoodman@bakerlaw.com)



## Overview

**"Eric is practical, thoughtful and adept at looking to build consensus among a diverse group of parties in complex negotiations."**

— Chambers USA 2018

Eric Goodman has substantial transactional and litigation experience, and has performed significant work with respect to matters involving financial institutions, the oil and gas industry, automotive suppliers, intellectual property licenses and healthcare entities. Recognized by Chambers USA, The Best Lawyers in America®, and Lexology Client Choice Awards, Eric has represented national and international companies, federal banking regulators, debtors, secured lenders, trade creditors and creditors' committees in many large and complex insolvency matters.

Eric is a contributing author to *Inside the Minds: Creditors' Rights* in Chapter 11 Cases, 2012 ed., and the second edition of *Bankruptcy Business Acquisitions*, a comprehensive guide to selling and acquiring assets in bankruptcy. Eric has also authored several articles addressing the rights of creditors under the Bankruptcy Code and the Uniform Commercial Code. His skillset also includes significant cross-border experience and a thorough understanding of bank regulatory matters.

## Experience

- Lead counsel to AB Volvo, PSA Automobiles and Opel Automobile, with respect to global restructuring of Takata Corporation and its affiliates.
- Co-lead counsel to the Federal Deposit Insurance Corp. (FDIC) with respect to its \$275 million dispute with FBOP Corp., a bank holding company, in the Northern District of Illinois.
- Lead counsel to an oil and gas operator in the Chapter 11 proceedings of Norse Energy Corp. USA in the Western District of New York.
- Counsel to a midstream energy company before the United States Bankruptcy Court for the District of Minnesota.
- Counsel to Excello Engineered Systems LLC in a Chapter 11 filing of an automotive parts supplier in the Northern District of Ohio.
- Counsel to CEP Holdings LLC in confirmation of a joint plan of liquidation for an automotive parts supplier with 11 plants in the United States and Mexico in Chapter 11 proceedings in the Northern District of Ohio.
- Counsel to DTR Industries Inc. and DTR Tennessee Inc. as secured creditors and suppliers in the Chapter 11 case of Johnson Rubber Company Inc., an automotive parts supplier, in Chapter 11 proceedings in the Northern District of Ohio.
- Counsel to PNC National Bank as agent in the Chapter 11 case of Mayco Plastics Co., an automotive parts supplier, in Chapter 11 proceedings in the Eastern District of Michigan.
- Counsel to the FDIC with respect to its \$170 million dispute with AmTrust Financial Corp. and its affiliated debtors in the Northern District of Ohio.
- Lead counsel to a multiemployer pension fund in the Chapter 11 proceedings of Gorbett Enterprises of Solon Inc., a contributing employer, in the Northern District of Ohio.
- Lead counsel to American Greetings Corporation in Chapter 11 proceedings of multiple grocery store chains in the District of Delaware.

- Counsel to the FDIC with respect to its \$55 million dispute with IndyMac Bancorp Inc. in the Central District of California.
- Counsel to the Official Committee of Unsecured Creditors of Commercial Alloys Corp., an aluminum recycler, in Chapter 11 proceedings in the Northern District of Ohio.
- Lead counsel to a servicer of distressed debt in a state court receivership proceeding of a nursing home facility.

## Recognitions and Memberships

### Recognitions

- Chambers USA: Bankruptcy/Restructuring in Ohio (2018 to 2019)
  - Band 4 (2018 to 2019)
- *The Best Lawyers in America*® (2018 to present)
  - Ohio: Bankruptcy and Creditor Debtor Rights / Insolvency and Reorganization Law
- Ohio Super Lawyers "Rising Star" (2007, 2009 to 2017)
- National Conference of Bankruptcy Judges: Next Generation (Class of 2011)
- Lexology Client Choice Awards: Insolvency & Restructuring in Ohio (2019)

### Memberships

- American Bankruptcy Institute
- National Association of Federal Equity Receivers
- Turnaround Management Association
- Ohio State Bar Association
- Cleveland Metropolitan Bar Association

### News

- 2/14/2019  
Eric Goodman Honored as 2019 Client Choice Winner for Insolvency and Restructuring
- 1/15/2019  
Eric Goodman, Elyssa Kates Speakers for Webinar on Bankruptcy and IP
- 8/15/2018  
193 BakerHostetler Attorneys Named in 2019 Best Lawyers List; 10 Recognized "Lawyer of the Year"
- 6/5/2018  
Eric Goodman Lauds Agreements that Led to Sale of Airbag Manufacturer Takata
- 4/18/2018  
William Daugherty, John English, Eric Goodman are Presenters at Annual Energy Law Institute
- 4/10/2018  
Joseph Hutchinson, Eric Goodman, Erin Bolan Hines Mentioned in Law360 Coverage of Successful FDIC Settlement
- 8/15/2017  
190 BakerHostetler Attorneys Named in 2018 Best Lawyers List; 18 Recognized "Lawyer of the Year"
- 12/28/2016  
150 BakerHostetler Attorneys Named 2016 Super Lawyers; 91 Named Rising Stars
- 10/29/2015  
160 BakerHostetler Attorneys Named 2015 Super Lawyers; 112 Named Rising Stars

### Press Releases

- 4/29/2019  
Chambers and Partners USA Honors 127 Attorneys and 43 Practice Areas in 2019 Guide
- 5/3/2018  
*Chambers and Partners USA* Honors 118 Attorneys and 45 Practice Areas in 2018 Guide

### Alerts

- 6/25/2018  
Supreme Court Holds That a Statement About a Single Asset Can Be a Statement Respecting a Debtor's Financial Condition
- 5/31/2018  
Supreme Court Resolves Circuit Split Over Application of Section 546(e) to Transactions Involving Conduits

## Articles

- 8/20/2008  
Pratt's Journal of Bankruptcy Law: Bankruptcy Court Holds that Postpetition Loan Participation Is Not a Form of Cover Under the Uniform Commercial Code
- 6/21/2007  
Norton Journal of Bankruptcy Law and Practice: Reinstatement v. Cramdown: Do Secured Creditors Win or Lose?
- 4/1/2005  
American Bankruptcy Institute Law Review: Debtors Beware: The Expanding Universe of Non-Assumable/Non-Assignable Contracts in Bankruptcy
- 4/1/2004  
Emory University School of Law Bankruptcy Developments Journal: Determining the Proper Application of Section 546(c) to a Seller's Right to Reclaim When There is a Prior Secured Creditor: A Two Part Test

## Community

- Cleveland Metropolitan Bar Foundation: Board of Trustees (2011 to 2017)
- CMBA 2016 William J. O'Neill Regional Bankruptcy Institute: Co-Chair
- The Littlest Heroes®: Board of Directors (2010 to 2015)

## Services

- Bankruptcy, Restructuring and Creditors' Rights
- Commercial Litigation

## Industries

- Financial Services Industry
- Energy Industry
- Technology in Manufacturing

## Prior Positions

- Jones Day
- Law Clerk for the Honorable William T. Bodoh, Chief Judge, United States Bankruptcy Court for the Northern District of Ohio and Bankruptcy Appellate Panel of the Sixth Circuit (2003 to 2004)

## Admissions

- U.S. Court of Appeals, Sixth Circuit
- U.S. District Court, Southern District of Ohio
- U.S. District Court, Northern District of Illinois
- U.S. District Court, Eastern District of Michigan
- U.S. District Court, Western District of Pennsylvania
- U.S. District Court, Northern District of Ohio
- U.S. District Court, Southern District of New York
- Ohio
- New York
- [Not admitted in California]

## Education

- J.D., University of Michigan Law School, 2002; Note Editor, *University of Michigan Journal of Law Reform*
- B.A., Hope College, 2000, *summa cum laude*, Phi Beta Kappa, George F. Baker Scholar



# Asim Grabowski-Shaikh

Counsel

## New York

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## Services

- Securities Offerings and Compliance
- Corporate Governance
- Private Equity and Venture Capital
- Debt Finance
- Compliance
- Mergers and Acquisitions
- Emerging Company

## Industries

- Financial Services Industry
- Energy Industry
- Investment Funds

## Emerging Issues

- Blockchain Technologies and Digital Currencies

## Prior Positions

- Brooklyn Law School Legal Services, Federal Litigation Clinic: Legal Intern (2001)

## Admissions

- New York
- New Jersey

## Education

- J.D., Brooklyn Law School, 2002
- B.A., Rutgers College, 1999

Asim Grabowski-Shaikh represents public and private companies in corporate transactions, with an emphasis on securities offerings (including IPOs), mergers and acquisitions and corporate governance. Viewed by his clients as an integral member of their team, Asim has helped issuers access more than \$1 billion through public and private offerings of equity and debt securities. He offers clients practical, goal-oriented counsel, leveraging the skills developed and knowledge gained through his representation of issuers, underwriters, placement agents, major financial institutions, funds and registered investment advisors in a variety of transactions across many sectors. Asim also has particular experience in transactions involving special purpose acquisition companies (SPACs), and the renewable energy and life sciences industries.

Asim's understanding of corporate and securities laws enables him to provide bespoke and creative solutions to difficult problems. He provides boards of directors and executives with advice on corporate governance and compliance matters, and also represents public and private companies in connection with mergers and acquisitions, as well as other strategic commercial transactions. Additionally, Asim has advised registered investment advisors in connection with securities laws compliance and mergers and acquisitions, as well as major financial institutions and borrowers in a variety of financing transactions, including privately placed bonds, acquisition financing and project financing.

## Experience

- Represented a Nasdaq-listed global developer and manufacturer of specialty, commercial stage pharmaceutical products and medical devices, headquartered in Ireland and with operations in the U.S., Germany and Ireland, in a \$40 million public offering of ordinary shares, underwritten by Morgan Stanley.
- Represented a global solar development firm in a joint venture with an Israeli public company for the development and operation of approximately one gigawatt of solar power, having an aggregate value of more than \$1 billion.
- Represented a leading investment bank focused on digital media and marketing in its role as financial advisor to a NYSE-listed public company providing a leading end-to-end mobile platform, with respect to the fairness of AOL's \$280 million cash tender offer, and also in

connection with related shareholder litigation.

- Represented a NYSE-listed company in all stock change-of-control merger with a private pharmaceutical company.
- Represented a Nasdaq-listed company with a platform to support personalized care for mental health patients in a series of debt and equity offerings, including an At-The-Market offering with Aspire Capital, in the aggregate amount of approximately \$50 million.
- Represented a Nasdaq-listed global developer and manufacturer of specialty, commercial stage pharmaceutical products and medical devices, headquartered in Germany and with operations in the U.S., Germany and Ireland, in a \$30 million public offering of ADSs, underwritten by Piper Jaffray.
- Represented an issuer in the oil and gas refinery sector in its \$450 million IPO, underwritten by Deutsche Bank.
- Represented a Nasdaq-listed issuer in its \$100 million IPO, underwritten by Deutsche Bank.
- Represented an issuer focused on the media and technology sectors in its \$80 million IPO, underwritten by Citi and Deutsche Bank Securities.
- Represented an issuer in its \$80.4 million public offering, underwritten by Deutsche Bank.
- Represented a company focused on the defense, security and government services sector in its \$75 million IPO, underwritten by Deutsche Bank Securities & Cowen and Company.
- Represented a Nasdaq-listed issuer in the maritime sector in its self-tender offer for shares of its common stock for an aggregate purchase price of approximately \$43 million, and in connection with its simultaneous acquisition (valued at approximately \$94 million) of a foreign entity owning a fleet of platform supply vessels and oil spill response vessels under time charters with a major Brazilian petroleum company.
- Represented an issuer in the retail sector in its self-tender offer for shares of its common stock for an aggregate purchase price of approximately \$18 million, and in connection with its simultaneous business combination (valued at approximately \$63 million) with the holding company of a New York City-based bake shop, resulting in the holding company becoming publicly held.
- Represented a Nasdaq-listed biotechnology company focused on the development and commercialization of human plasma and plasma derived therapeutics in connection with its \$14.1 million public offering of common stock, underwritten by Raymond James.
- Represented a Nasdaq-listed biotechnology company in connection with its \$11.3 million public offering of common stock
- Represented a Registered Investment Advisor with over \$1 billion in assets in connection with securities laws compliance, including Form ADV and Form 13H filings.
- Represented a private leading independent provider of products and services for finance professionals, as well as its shareholders, in a sale for \$201 million in cash.

- Represented a private clean-tech entity in connection with its acquisition of a controlling interest in a solar renewable holding company and its portfolios, and subsequent sale of certain portfolio projects, to a third-party purchaser.
- Represented an endowment fund in connection with the creation of multiple joint venture funds organized for various purposes, including acquiring and disposing of distressed assets, and investing in crowd-funding opportunities.
- Represented a major financial institution as lead bond purchaser in its direct purchase of \$50 million of \$96 million of tax-exempt bonds issued by an out-of-state issuer, the proceeds of which were used to refinance existing tax-exempt debt and finance, through a draw down structure, the construction and renovation of several healthcare facilities.
- Represented a major financial institution in connection with an \$80 million credit facility to a joint venture consisting of two major regional real estate developers for the refinance of a 267,000 square foot retail complex in Washington, D.C., leased to more than 20 national and regional tenants.
- Represented a leading New York-based grocery chain in connection with its \$23.5 million revolving credit facility and \$5 million term loan with a leading bank.
- Represented a public, United Kingdom-based pharmaceutical company in connection with its €14,000,000 secured loan facility with a major international financial institution, as U.S. counsel.
- Represented a specialty gourmet foods business in connection with their \$6.5 million revolving credit facility, \$2.5 million term loan for acquisition financing, and \$2.5 million term loan, as well as in connection with the company's simultaneous approximate \$4 million cash acquisition of a private label food manufacturing business.
- Represented a prestigious, top-tier New York City private school in connection with its \$6.8 million tax-exempt loan through a \$17.5 million refunding note, made available by Build NYC Resource Corporation, the proceeds of which were provided to it by as leading bank and used by the school to defease previously existing tax exempt debt. representation also included a \$10 million non-revolving line of credit, provided by bank.

### Community

- Rutgers University CX Program: Advisory Board (2017 to present)
- Park Children's Day School (formerly Park Avenue Christian Church Day School): Board of Trustees (2015 to present)

# BakerHostetler

Elizabeth A. Green

## Partner

### Orlando

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F +1.407.841.0168

[egreen@bakerlaw.com](mailto:egreen@bakerlaw.com)



## Overview

"Elizabeth Green is hailed as an 'encyclopedia of bankruptcy knowledge' by market sources, who describe her as 'creative and strategically minded.'"

— Chambers USA 2018

Elizabeth Green practices primarily in the areas of bankruptcy and restructuring, and has represented corporate debtors and secured creditors, unsecured creditors, committees, bondholders and trustees in bankruptcy cases of corporate and individual debtors. Elizabeth also has experience with out-of-court workouts, assignments and receiverships, and has represented numerous parties as buyers in 363 sales.

Elizabeth is the leader of the firm's national Bankruptcy, Restructuring and Creditors' Rights team and a member of the Policy Committee, our governing body. She has been inducted as a fellow in the prestigious American College of Bankruptcy, was named one of five Law 360 MVP's in Bankruptcy in 2016 and is an adjunct professor at the University of Florida, Levin College of Law, where she teaches Advanced Bankruptcy.

## Experience

### Energy

- Represented, as lead counsel, Black Elk Energy Offshore Operations LLC in a chapter 11 in the Southern District of Texas.
- Represented, as lead counsel, American Eagle Energy Corporation in a bankruptcy case filed in the District of Colorado.
- Counsel to Dakota Plains LLC, a midstream transportation energy company, filed in the District of Minnesota.
- Represented creditors of Goodrich Petroleum Corporation, Northstar Offshore Group LLC and Bennu Oil & Gas LLC in the Southern District of Texas.

### Healthcare

- Represents, as lead debtors' counsel, Uplift LLC and Alliance Health Networks Inc., as well as 62 related debtors in the Southern District of Texas.
- Counsel to Southern Inyo Healthcare District in a Chapter 9 in the Eastern District of California.
- Served as debtor's counsel to Behavioral Support Services Inc., an outpatient care facility in Altamonte Springs, Florida.
- Served as an expert witness for Fundamental Long Term Care Holdings LLC in the Middle District of Florida.
- Served as a mediator for Campbellton-Graceville Hospital in the Northern District of Florida.
- Represents buyers in Vanguard Healthcare LLC in the Middle District of Tennessee; Preferred Inc. in the Northern District of Texas; and Sr. Care Group Inc. in the Middle District of Florida.
- Represented Bayou Shores SNF LLC as debtor's counsel in Chapter 11 case in the Middle District of Florida. Obtained a ruling finding that the Medicaid and Medicare provider agreements were not terminated, and enjoined their termination.

- Served as debtor's attorney in the successful restructuring and reorganization of Legacy Healthcare LLC's three nursing homes and its related entities in the Western District of New York.
- Advised CRO in HMO cases of In Re Universal Healthcare of Texas and Nevada.

## Hospitality

- Served as lead counsel in Chapter 11 cases of Island One Resorts Inc., et al. Successfully confirmed the reorganization plan for timeshare developer debtors.
- Served as lead counsel in the Chapter 11 cases of Tempus Resorts International LTD, et al. Successfully confirmed the reorganization plan for timeshare developer debtors.
- Served as out-of-court restructuring counsel to Westgate Resorts, a timeshare developer with 39 timeshare resorts across the country.
- Handled hotel reorganizations, including Orlando Hyatt, Hotel Royal Plaza and The Resort at Lake Eve.

## Real Estate

- Handled both business and residential condominium reorganization cases including Studio Parc LLC; Cornerstone Orlando LLC; and The Plaza LLC.
- Served as debtor's attorney for F.F. Station LLC d/b/a Church Street Station, a 5-acre entertainment complex in downtown Orlando, Florida.
- Represented Pringle Holdings LLC and affiliates, the second-largest developer of retirement housing in Florida.

## Other Debtor Representation

- Serves as debtor's counsel in Chapter 11 case of Orange County Environmental LLC, the owner of multiple landfills and recycling facilities.
- Serves as debtor's counsel for nine related companies operating investment funds, primarily investing in real estate, energy, and website projects. Re Pelican Real Estate and In Re Smart Money Secured Investment Fund LLC, Inc.
- Served as debtor's attorney in the case of Ace Electric LLC, an aftermarket auto parts supplier located in Columbus, Kansas. There was a significant dividend paid to unsecured creditors and bondholders.
- Served as debtor's attorney for Church Mortgage and Loan Corporation Inc., a church bond company.
- Served as debtor's attorney for Clarklift of Orlando Inc. related to its dealerships across Florida.
- Successfully represented the receiver excused from turnover in the Chapter 11 case of Big Oaks Buick Inc.
- Served as debtor's attorney in the manufacturing cases of Tube Tec Inc. (steel); Designer's Choice Cabinetry Inc. (nationwide manufacturer of cabinets); and Ideal Aluminum Products LLC (aluminum fencing manufacturer).
- Served as debtor's attorney for AP Military Group Inc., a produce broker adversely affected by an E. coli spinach outbreak.

## Creditor Representation

- Served as counsel to ATLC LTD, largest unsecured creditor, in the case of In Re Eastman Kodak Company in the Southern District of New York.
- Served as Official Unsecured Creditors Committee counsel in the case of In Re Element LLC in the Middle District of Florida.
- Served as Official Unsecured Creditors Committee counsel in the bitcoin case of In Re Hashfast Inc. in the Northern District of California.

## Mediations

- Served as mediator in more than 100 matters. (Resume provided upon request.)
- Served as official bankruptcy court-appointed mediator in more than 100 fraudulent transfer and D&O cases in the case of In Re E Brands LLC.

## Recognitions and Memberships

### Recognitions

- American College of Bankruptcy: Fellow
- Chambers USA: Bankruptcy/Restructuring in Florida (2012 to 2019)
  - Band 1 (2015 to 2019)
  - Recognized Practitioner: Nationwide Bankruptcy/Restructuring (2017 to 2018)
- Law360 Bankruptcy MVP (2016)
- *The Best Lawyers in America*® (2006 to present)
  - Florida: Bankruptcy and Creditor Debtor Rights / Insolvency and Reorganization Law
    - Best Lawyers® "Lawyer of the Year" (2012, 2016, 2019)
  - Florida: Litigation – Bankruptcy
    - Best Lawyers® "Lawyer of the Year" (2015, 2017, 2019)
- Florida "Super Lawyer" (2007 to 2019)
- Florida Trend "Legal Elite" (2006 to present)
- Orlando Magazine "Top Lawyers" (2006 to present)
- Martindale-Hubbell: AV Preeminent

### Memberships

- United States Bankruptcy Court for the Southern District of Texas: Complex Case Committee (2018 to 2020)
- American College of Bankruptcy: 11th Circuit District Council
- Fishburne Hudgens Educational Foundation, Inc.: Board of Directors
- Central Florida Bankruptcy Bar Association
  - Board of Directors (2007 to 2014)
  - Past President
- Central Florida Bankruptcy Bar Association Annual Seminar: Chair (2009 to 2014)
- American Bankruptcy Institute Southeast: Advisory Board
- American Bankruptcy Institute Paskay Seminar: Advisory Board
- University of Florida Levin College of Law: Adjunct Professor

### News

- 3/21/2019  
Elizabeth Green, Jorian Rose Speakers at Southeastern Bankruptcy Law Seminar
- 2/21/2019  
Elizabeth Green Speaking on Restructuring Options in Provider Healthcare
- 1/17/2019  
Liz Green Leads Discussion of Health Industry Restructurings
- 1/17/2019  
Liz Green, Team Earn "Deal of Year" Honors for Alliance Medical Holdings Sale
- 1/7/2019  
Liz Green Speaks on Issues Facing Community and Critical-Access Hospitals
- 10/31/2018  
Elizabeth Green Moderates "View from the Bench" Bankruptcy Panel in Florida
- 8/15/2018  
193 BakerHostetler Attorneys Named in 2019 Best Lawyers List; 10 Recognized "Lawyer of the Year"
- 7/10/2018  
Elizabeth Green Appointed to Complex Case Committee for U.S. Bankruptcy Court for the Southern District of Texas
- 2/5/2018  
Elizabeth Green a Speaker at ABI Spring Meeting
- 12/14/2017  
Elizabeth Green Speaking at ABI Bankruptcy Conference



- 12/14/2017  
Elizabeth Green a Panelist for CLE Webinar on Healthcare Business Bankruptcies
- 8/15/2017  
190 BakerHostetler Attorneys Named in 2018 Best Lawyers List; 18 Recognized "Lawyer of the Year"
- 12/28/2016  
150 BakerHostetler Attorneys Named 2016 Super Lawyers; 91 Named Rising Stars
- 10/29/2015  
160 BakerHostetler Attorneys Named 2015 Super Lawyers; 112 Named Rising Stars

## Press Releases

- 4/29/2019  
Chambers and Partners USA Honors 127 Attorneys and 43 Practice Areas in 2019 Guide
- 5/3/2018  
*Chambers and Partners USA* Honors 118 Attorneys and 45 Practice Areas in 2018 Guide

## Services

- Bankruptcy, Restructuring and Creditors' Rights

## Industries

- Financial Services Industry
- Energy Industry
- Healthcare Industry

## Admissions

- U.S. Court of Appeals, Eleventh Circuit, 1986
- U.S. District Court, Southern District of Texas, 2015
- U.S. District Court, Northern District of Texas, 2018
- U.S. District Court, Southern District of Florida, 2012
- U.S. District Court, Middle District of Florida, 1986
- U.S. Court of Appeals, Second Circuit, 2011
- Florida

## Education

- J.D., University of Florida Levin College of Law, 1986, with honors, top 5% of class, Order of the Coif
- B.A., New College of Florida, 1984

**Juanita M. Greenfield**  
**BAKER & HOSTETLER LLP**

July 2017 – Present      **Baker Hostetler LLP**  
Senior Paralegal - Energy Group

Mar. 2015 – Aug. 2015      **Stein Mitchell LLP**  
Legal Assistant

Aug. 2015 – June 2017      **Morgan Lewis & Bockius LLP**  
Senior Paralegal - Intellectual Property Litigation

Jan. 2013 – Feb. 2015      **Orrick Herrington & Sutcliffe LLP**  
Senior Paralegal – Appellate Litigation

July 2008 – June 2011      **Gilbert LLP**  
Case Manager – Insurance Litigation

- Bachelor of Science, Business Administration & Legal Studies, University Of Maryland, University College, Hyattsville, MD, 2002
- Masters Business Administration, Business Management, University Of Maryland, University College, Hyattsville, MD, 2006
- Master of Arts, Marketing University Of Maryland, University College, Hyattsville, MD, 2009
- Certified Diversity, Institute of Diversity and Inclusion, Professional: Pending Winter 2020
- Certificate Legal Project Management, LawVision, November 2019
- Certificate Professional Development for Legal Supervisors, Holt Learning, March 2009



# BakerHostetler

Andrew M. Grossman

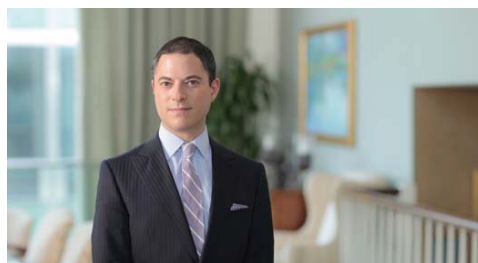
## Partner

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## Overview

Andrew Grossman is co-leader of the firm's national appellate practice. He has appeared before nearly all the federal courts of appeals, as well as some state appellate courts, litigating high-profile and complex commercial, administrative and constitutional issues. He has also received attention for his work before the United States Supreme Court, including for First Amendment cases, many prominent amicus briefs and his recent grant of certiorari in a major class-action challenge.

Andrew has developed and implemented litigation and administrative strategies for clients in several fields and industries. He regularly works with practice groups across BakerHostetler to identify and tackle complex issues, advise on administrative law and strategy, tee up issues for appeal and tackle appeals.

In addition to his practice, Andrew advises members of Congress on matters of constitutional and administrative law, having testified more than a dozen times before the House and Senate Judiciary Committees. He has been a frequent legal commentator on radio and television, having appeared on Fox News, CNN, MSNBC, CNBC, NPR and its affiliates, CBN and elsewhere. His legal commentary has also appeared in dozens of magazines and newspapers, including *The Wall Street Journal*, *USA Today*, *The Washington Post*, *The Washington Times* and many others.

Andrew is an Adjunct Scholar at the Cato Institute's Robert A. Levy Center for Constitutional Studies. He is also a member of the leadership of the Federalist Society, and previously served as a fellow and policy analyst at the Heritage Foundation's Meese Center for Legal and Judicial Studies. Additionally, he clerked for Judge Edith H. Jones on the United States Court of Appeals for the Fifth Circuit.

## Experience

- Obtained a favorable outcome on the first-ever decision from the United States Court of Appeals for the Ninth Circuit recognizing the right to obtain pre-enforcement review of agencies' compliance with the Paperwork Reduction Act. The decision set a powerful precedent for regulated parties to challenge unlawful government action.
- Developed and executed a nationwide litigation strategy to recognize and enforce public workers' First Amendment associational rights in the wake of the Supreme Court's decision in *Janus v. AFSCME*.
- Represented the Center for Class Action Fairness and several objecting class members in a high-profile challenge to the use of cy pres awards in class action settlements. Obtained a rare solo opinion respecting certiorari by the Chief Justice criticizing the use of cy pres remedies and subsequently obtained a grant of certiorari from the Supreme Court in *Frank v. Gaos*.
- Developed and executed a litigation strategy to repel an unlawful investigation launched against a major D.C. policy institution in retaliation for its First Amendment-protected advocacy that resulted in abandonment of the investigation.
- Lead the litigation team that repelled efforts by the Patent and Trademark Office to cut off a prominent inventor's entitlement to issuance of patents and won judgments entitling the inventor to issuance of three significant patents.
- Represented national political party delegate in successful challenge to strike down Virginia's delegate-binding law.
- Collaborating with David Rivkin, developed and executed litigation campaign to halt unlawful campaign-finance investigation aimed at silencing political speech in Wisconsin, ultimately leading to the wholesale reform of Wisconsin campaign-finance law.
- Represents a national talk-radio host in high-profile libel suit raising novel First Amendment issues.

- Represents a major D.C. think tank and one of its fellows in their First Amendment defense to defamation claims brought by a climate activist. Established, in that litigation, right to interlocutory appeal under D.C. Anti-SLAPP Act.
- With David Rivkin, served as counsel to 28 states challenging the EPA's Clean Power Plan before the United States Supreme Court and Court of Appeals for the D.C. Circuit, winning a rare stay of regulation.

## Recognitions and Memberships

### Recognitions

- The Legal 500 United States (2017 to 2018)
  - Recommended in Industry Focus: Environment - Litigation
- Burton Foundation and Law Library of Congress: Burton Award for Legal Achievement (2007)
- Washington, D.C., Super Lawyers "Rising Star" (2014 to 2018)

### News

- 3/29/2019  
Andrew Grossman Praises Federal Court Ruling That Upholds Inventor's Suit Against PTO
- 1/10/2019  
Andrew Grossman Quoted Regarding Supreme Court Petition Involving Forced Union Exclusive Representation
- 1/4/2019  
Andrew Grossman Talks about Effort to Get Supreme Court to Consider Challenge to Exclusive Union Representation in Public Sector
- 12/19/2018  
National Law Journal Covers Andrew Grossman's Supreme Court Challenge to Union Exclusive Representation
- 11/9/2018  
Andrew Grossman Comments on Mercury Review for Coal-Fired Power Plants
- 11/5/2018  
Andrew Grossman Comments on Supreme Court Battle over Virginia Uranium Mining Ban
- 9/11/2018  
Andrew Grossman Comments on Future of EPA's New Carbon Emission Rule
- 8/31/2018  
Andrew Grossman Comments on Potential for Change in EPA Rules Regarding Coal-Fired Power Plants
- 7/20/2018  
Andrew Grossman Comments on Likelihood of Supreme Court Ruling on Regulation of Greenhouse Gas Emissions
- 6/26/2018  
Andrew Grossman Comments on Court Battles over the Legitimacy of CFPB
- 5/1/2018  
Grossman, Raile Author Successful U.S. Supreme Court Petition on Behalf of BakerHostetler Client
- 4/24/2018  
Andrew Grossman Discusses Role of Administrative Law Judges
- 4/18/2018  
Andrew Grossman Joins Panel Discussion of Municipal Climate Litigation, Fossil Fuel Industry and Municipal Bond Market
- 2/28/2018  
Andrew Grossman Comments on Supreme Court Split over Mandatory Union Fees
- 12/8/2017  
Andrew Grossman Comments on Amicus Brief Filed in Public Sector Union Dues Case
- 12/28/2016  
150 BakerHostetler Attorneys Named 2016 Super Lawyers; 91 Named Rising Stars
- 10/29/2015  
160 BakerHostetler Attorneys Named 2015 Super Lawyers; 112 Named Rising Stars

- 12/22/2014  
*Bloomberg's* article "Madoff Victims to Get \$322 Million in Trustee Payout" acknowledges BakerHostetler attorneys at announcement of fifth distribution plans
- 5/5/2014  
BakerHostetler talks with *USA Today* about the SIPA Trustee's fourth pro rata interim distribution; states Madoff Recovery Initiative nears \$6 billion in distributions to allowed claimants
- 1/13/2014  
Law360 article on SCOTUS Request for DOJ Opinion on SIPA Trustee's Petition for Writ of Certiorari names BakerHostetler attorneys
- 1/7/2014  
BakerHostetler's settlement with JPMorgan Chase and the ongoing Madoff Recovery Initiative Discussed on National Public Radio's *All Things Considered*
- 2/15/2013  
BakerHostetler appears on NPR's *All Things Considered* to discuss Madoff Recovery Initiative; host Robert Siegel interviews SIPA Trustee Irving Picard and his Chief Counsel David Sheehan
- 2/12/2013  
Madoff Recovery Initiative surpasses \$5 billion in distributions to allowed claimants; CNBC's Scott Cohn discusses latest recovery with BakerHostetler's SIPA Trustee Irving Picard and his Chief Counsel David Sheehan
- 12/10/2012  
Madoff Recovery Initiative Marks Fourth Anniversary ... Moves into Fifth Year Still Building Recovery Momentum
- Andrew Grossman to Speak at National Press Club on Supreme Court Case Involving Affirmative Action

## Press Releases

- 6/5/2018  
BakerHostetler Boosts High Marks in the Legal 500 2018 Annual Guide

## Articles

- 9/4/2018  
Andrew Grossman Comments on Potential Changes to Air Rules Benefits
- 9/4/2018  
David Rivkin, Andrew Grossman Author Column on Duty of Supreme Court Nominees to Refuse to Provide a Preview of Opinions
- 8/30/2018  
Andrew Grossman Co-Authors Article Opposing Exclusive Union Representation
- 4/25/2018  
David Rivkin, Andrew Grossman Author Commentary on Legitimacy of SEC's Administrative Law Judges
- 2/22/2018  
David Rivkin, Andrew Grossman Article Argues Against Political Advocacy Funded by Mandatory Union Fees

## Community

- Cato Institute: Adjunct Scholar

## Pro Bono

- *Fisher v. University of Texas*
- National Black Chamber of Commerce
- *Harris v. Quinn*

## Services

- Appellate and Major Motions
- Environmental
- Commercial Litigation

## Prior Positions

- Judicial Clerk for Chief Judge Edith H. Jones of the United States Court of Appeals for the Fifth Circuit
- Heritage Foundation Center for Legal and Judicial Studies: Senior Legal Analyst

## Admissions

- U.S. Supreme Court
- U.S. Court of Appeals, District of Columbia Circuit
- U.S. Court of Appeals, Federal Circuit
- U.S. Court of Appeals, First Circuit
- U.S. Court of Appeals, Second Circuit
- U.S. Court of Appeals, Third Circuit
- U.S. Court of Appeals, Fourth Circuit
- U.S. Court of Appeals, Fifth Circuit
- U.S. Court of Appeals, Sixth Circuit
- U.S. Court of Appeals, Seventh Circuit
- U.S. Court of Appeals, Eighth Circuit
- U.S. Court of Appeals, Ninth Circuit
- U.S. Court of Appeals, Tenth Circuit
- U.S. Tax Court
- District of Columbia

## Education

- J.D., George Mason University School of Law, *magna cum laude*; Adrian S. Fischer Award for Student Research; Betty Southard Murphy award for Constitutional Law; Senior Articles Editor, *George Mason Law Review*
- M.G.A./M.P.A., University of Pennsylvania
- B.A., Dartmouth College, *cum laude*; Editor, *The Dartmouth Review*

# Sarah M. Hayes

Associate

## Houston

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## Prior Positions

- BakerHostetler: Summer Associate

## Admissions

- Texas

## Education

- J.D., University of Houston Law Center, 2019; *Houston Journal of Health Law and Policy*, Senior Articles Editor; Black Law Students Association; Mock Trial Team; Health Law Organization
- B.A., Political Science; B.A., Modern Languages: Spanish Concentration, University of Louisiana at Monroe, 2015, *cum laude*; Alpha Kappa Alpha Sorority Inc., Parliamentarian; Mock Trial Team; Pre-Law Association

## Languages

- Spanish

Sarah Hayes's work in various practice areas adds value to her developing practice. She has considerable experience conducting legal research and composing memoranda, motions and pleadings in commercial litigation and labor and employment matters. Sarah also demonstrates familiarity with courtroom proceedings, having prepared for and attended depositions, hearings and trials.

## Memberships

- National Bar Association

# Thomas E. Hogan

Counsel

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## Services

- Environmental
- Commercial Litigation
- Antitrust and Competition

## Prior Positions

- Law Clerk to the Honorable Ronald Lee Gilman, U.S. Court of Appeals for the Sixth Circuit

## Admissions

- U.S. Court of Appeals, District of Columbia Circuit
- U.S. Court of Appeals, Second Circuit
- U.S. District Court, Southern District of New York
- U.S. District Court, Eastern District of New York
- U.S. District Court, District of Columbia
- District of Columbia
- New York

## Education

- J.D., University of Michigan Law School, 2003; Managing Editor, *Michigan Law Review*; Moot Court: Best Oralist and Finalist
- A.B., Brown University, 1998

Tom Hogan represents clients in complex commercial, environmental and administrative law litigation. Tom also advocates for clients in their dealings with regulators and counsels them on proactively managing potential liabilities.

Tom has been recommended for antitrust by *The Legal 500* (2018) and rated AV Preeminent®, the highest peer review rating available, in the Martindale-Hubbell register for lawyers. He twice served on the Law360 Environmental Editorial Advisory Board, and is a co-author of *Mergers and Acquisitions in the United States: A Practical Guide for Non-U.S. Buyers* (Aspen Publishers).

## Experience

### Environmental Matters

- Representing a manufacturer in a mass tort lawsuit alleging exposure to hazardous substances in Indiana.
- Representing the Port of Portland concerning alleged Natural Resource Damages (NRD) under CERCLA at the Portland Harbor Superfund Site.
- Representing multiple companies in connection with a federal criminal investigation alleging violations of the Resource Conservation and Recovery Act (RCRA) and the Hazardous Materials Transportation Act (HMTA).
- Representing a recycling company in connection with the investigation and enforcement action by a state environmental agency concerning hazardous waste.
- Represented a New England farm regarding alleged violations of Section 404 of the Clean Water Act (CWA).
- Defended the first permitted U.S. utility-scale offshore wind project against litigation challenging the federal government's approval under the National Environmental Policy Act (NEPA), the Outer Continental Shelf Lands Act (OCSLA) and the National Historic Preservation Act (NHPA).
- Represented an energy services company in proactive litigation against its environmental regulator to compel the approval of the company's plan for managing onsite hazardous wastes.

- Represented a recycling association opposing a lawsuit petitioning for regulation under the Toxic Substances Control Act (TSCA).
- Defended a global defense and technology company against CERCLA claims regarding hexavalent chromium and PCB contamination at a municipal park in New York.
- Defended a steel manufacturer in defeating challenges to the issuance of its Clean Air Act permit in connection with the construction of a new steel mill.
- Represented a consumer products manufacturer in environmental insurance coverage litigation regarding groundwater contamination in California.

#### **Commercial and Other Matters**

- Served on the trial and appellate teams for a global engineering company in an indemnity case arising out of the 2009 explosion of a food manufacturing plant in Garner, North Carolina. After a four-week jury trial, the jury returned a verdict of \$108.9 million in favor of the client, double the largest verdict in Nebraska at that time. The *National Law Journal* recognized the verdict as a "Top 50 Verdict" of 2016 in its Elite Trial Lawyers report. The Nebraska Supreme Court affirmed the judgment in 2018.\*
- Representing a company in litigation concerning parties' rights and obligations under a multibillion-dollar asset purchase agreement.
- Representing clients in civil antitrust litigation and investigations.
- Advises clients on Hart-Scott-Rodino (HSR) premerger notification filings required for antitrust clearance at the Federal Trade Commission and Department of Justice.
- Representing company in Administrative Procedure Act (APA) litigation with Food and Drug Administration (FDA) regarding drug compounding.
- Secured a court order for confidential discovery from the Executive Office of the White House in a defamation lawsuit.
- Litigated the issue of an insured's right to select defense counsel of its choice in a mass tort claim arising from a notorious, fatal nightclub fire.
- Represented a hospital concerning insurance coverage for more than 100 claims alleging abuse by a former staff physician.

\*Prior results do not guarantee a similar outcome.

#### **Recognition**

- The Legal 500 United States (2018 to 2019)
  - Recommended in Environment Litigation (2019)
  - Recommended in Antitrust - Civil Litigation/Class Actions: Defense (2018 to 2019)
- Martindale-Hubbell: AV Preeminent
- Washington, D.C., Super Lawyers "Rising Star" (2013 to 2016)

## **Memberships**

- Law360: Environmental Editorial Advisory Board (2015, 2016)
- American Bar Association: Environment, Energy, and Resources Section
- Bar Association of the District of Columbia
  - Environment, Energy and Natural Resources Section
  - Antitrust and Consumer Law Section



# Rachel Palmer Hooper

Associate

## Houston

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rhooper@bakerlaw.com



## Services

- Commercial Litigation
- Appellate and Major Motions
- White Collar, Investigations and Securities Enforcement and Litigation
- Antitrust and Competition

## Industries

- Energy Industry

## Prior Positions

- Harris County District Attorney's Office: Assistant District Attorney (2003 to 2014)
- International Criminal Tribunal for the Former Yugoslavia (ICTY): Lawyer (2002)

## Admissions

- Texas

## Education

- J.D., South Texas College of Law, 2002, Outstanding Speaker Award
- B.A., The University of Texas at Austin, 1997

Rachel Palmer Hooper focuses on civil and complex commercial litigation, with experience handling multifaceted investigations, appellate matters, and state and federal constitutional and statutory questions. Throughout her tenure at the Harris County District Attorney's Office, she learned how to investigate a case, formulate a plan of action and execute the established strategy. Rachel believes in hard work, dedication and communication, placing a high value on her ability to explain complicated matters to jurors in a manner that brings forth the desired results. Additionally, Rachel has lectured on theft prevention, juvenile justice and crime avoidance.

## Experience

### Civil Litigation

- Member of the BakerHostetler legal team serving as court-appointed counsel to Irving H. Picard, Securities Investor Protection Act (SIPA) Trustee for the liquidation of Bernard L. Madoff Investment Securities LLC (BLMIS).
- Represented an operator and working interest owner of an East Texas oil field in an arbitration proceeding against another working interest owner in a dispute concerning joint operations of the field. The case settled on favorable terms during the arbitration proceeding.
- Represented a construction equipment manufacturer in a case alleging tortious interference with prospective business relations and conspiracy. The case settled on favorable terms.
- Represented a telecommunications company in seeking a declaratory judgment concerning the validity of certain restrictive covenants encumbering property. The case settled on favorable terms.
- Represented an energy company in a breach of contract claim concerning overriding royalty interests. The case settled on favorable terms.
- Represented a boat manufacturer in a dispute concerning manufacturer rebates. The case settled on favorable terms.
- Represented a land services company in a dispute concerning an alleged breach of contract and misappropriation of trade secrets. The case settled on favorable terms.

### **White Collar Matters**

- Represented a large retailer in response to criminal investigative demands and a subpoena.
- Represented a man accused by the government of using identifying information to submit false invoices for counseling services that were not rendered. Despite third-degree felony charges, punishable by up to 10 years in prison and/or a \$10,000 fine, negotiated with the state and secured a deferred adjudication (community supervision) and an order to pay restitution to the state.
- Represented a large manufacturing company that received a grand jury subpoena. Provided enough background information and successfully communicated with the prosecutor to prevent the client from appearing before the grand jury.
- Represented an elected official in a removal proceeding, which was dismissed by the Court.

### **Prosecution Work**

- Prosecuted a woman who embezzled more than \$100,000 from employers over a period of two years. She is now serving a 15-year sentence in the Texas Department of Criminal Justice, Institutional Division.
- Completed the investigation and prosecuted three individuals regarding the theft of more than \$200,000 of construction materials from a Fortune 500 international manufacturer and marketer of petrochemical products.
- Prosecuted a security guard who fatally shot a newly hired guard, provoked by termination of his personal employment. He is presently serving a 55-year sentence in the Texas Department of Criminal Justice, Institutional Division.
- Prosecuted a man who stabbed his girlfriend more than 20 times and is now serving a 30-year sentence in the Texas Department of Criminal Justice, Institutional Division.
- Prosecuted a man for murder in which he and his girlfriend orchestrated a drug deal with the victim and ambushed him, shooting him five times. The incident occurred after the defendant was released from prison following a 15-year sentence for a previous murder in 1996. He is now serving a 50-year sentence in the Texas Department of Criminal Justice, Institutional Division.
- Prosecuted a defendant who shot a man multiple times and fled to New York. He is now serving an 80-year sentence in the Texas Department of Criminal Justice, Institutional Division.
- Prosecuted a cold case murder that went unsolved for more than 10 years. Defendant is now serving a 20-year sentence in the Texas Department of Criminal Justice, Institutional Division.
- Prosecuted a woman for failing to seek medical assistance after her 4-year-old daughter ingested her drugs, resulting in her daughter's death. She is presently serving a life sentence in the Texas Department of Criminal Justice, Institutional Division.
- Prosecuted three juveniles for aggravated sexual assault and aggravated robbery after the three defendants approached the victim in

his apartment complex and proceeded to assault and rob the complainant, then forced the complainant to take them back to his apartment where they raped the victim's girlfriend. All three juveniles were certified to be tried as adults.

### **Memberships**

- American Bar Association: Litigation Section
- Houston Bar Association: Appellate Section
- Independent Petroleum Association of America
- Republican National Lawyers Association
- The Sedona Conference
- Texas Bar College
- Texas Supreme Court Historical Society
- Women's Energy Network (WEN)
- The Federalist Society
- Institute for Energy Law: Advisory Board

### **Community**

- First Methodist Houston Board of Trustees
- Harris County Republican Party Executive Committee
- Republican Chair, Harris County Precinct 16
- Harris County Juvenile Probation Department, Juvenile Probation Mentors: Chairman (2015 to 2016)
- The Junior League of Houston, Inc.: (2006 to 2016)
  - Board of Directors (2011 to 2012)
- M.D. Anderson Cancer Center's Health Adventures Program: Volunteer Mentor (2010 to 2015)
- Child Advocates: Volunteer
- South Texas College of Law Alumni Association: Board of Directors (2009 to 2012)

### **Pro Bono**

- Represented parents seeking special education services for their child. Advocated for the child through the admission, review and dismissal process with the school district and the child obtained the desired accommodations.
- Provided wills and medical directives to senior citizens and veterans through the Houston Bar Association's Will-A-Thon.

# Sabrina N. Jiwani

Associate

## Houston

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## Services

- International Arbitration and Litigation

## Prior Positions

- Bronx County District Attorney: Assistant District Attorney
- U.S. Attorney's Office, Southern District of New York, Criminal Division: Legal Intern
- Legal Resources Centre (Accra, Ghana): Legal Intern

## Admissions

- U.S. District Court, Eastern District of Texas
- U.S. District Court, Southern District of Texas
- Texas
- New York

## Education

- J.D., Washington University School of Law, 2012; *Global Studies Law Review*, Executive Notes Editor; National Moot Court Team; CALI Award: War Crimes Seminar
- B.A., University of Texas at Austin, 2009, *with honors*

## Languages

- Urdu

Sabrina Jiwani's international disputes practice is supported by her experience working with clients in a variety of industries. She has represented companies in the oil and gas, heavy equipment manufacturing and construction sectors, providing practical legal solutions for their complex problems. A strong analytical thinker, she works with clients from trial preparation and discovery to deposition and resolution. Sabrina is committed to building positive relationships with her clients and efficiently handling their most complicated matters.

## Experience

- Represented engineer against misrepresentation claims related to the construction of a polyethylene plant.
- Argued in front of the High Court of Ghana on behalf of client seeking access to personal medical records in another country.
- Represented oilfield products company in six-week jury trial concerning \$14 million claim against former employees for theft of trade secrets and violations of a non-competition agreement.
- Represented general contractor in \$2 million delay claim against the owner related to construction of an airport runway and concerning engineering design issues, lime stabilization requirements, as well as quantities calculations for excavation and embankment.
- Lead associate in case involving breach of contract, fraud and tortious interference related to the construction of a WWII era grass turf runway. Negotiated settlement prior to trial.

## Memberships

- State Bar of Texas, Texas Minority Counsel Program, Steering Committee (2019)
- Houston Bar Association
  - Diversity and Inclusion Committee
  - Mentoring Subcommittee

## Community

- Friends For Life

### **Pro Bono**

- Assisted small home owners with insurance claims for property damage caused by Hurricane Harvey.
- Represented construction company in trademark IP dispute.

# Bradley K. Jones

Associate

## Houston

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## Services

- Commercial Litigation
- Product Liability and Toxic Tort
- Bankruptcy and Restructuring
- Restrictive Covenants
- E-Discovery Advocacy and Management

## Industries

- Energy Industry

## Prior Positions

- Texas Senate: Legislative Intern for Senator Chris Harris, Pro Tempore of the Senate for the 77th Legislature
- Office of the Attorney General of Texas: Intern for the Tort Litigation Division
- United States Magistrate for Southern District of Texas Judge Mary Milloy: Intern
- Plaintiffs' Firms Specializing in Personal Injury, Legal Malpractice and Medical Malpractice: Clerk
- Litigation Firm Specializing in Commercial Arbitration: Associate
- Bill White for Texas Campaign: Research and Policy Fellow

## Admissions

- U.S. Supreme Court
- U.S. Court of Appeals, Fifth Circuit
- U.S. District Court, Southern District of Texas
- U.S. District Court, Eastern District of Texas
- U.S. District Court, Northern District of Texas
- U.S. District Court, Western District of Texas
- U.S. Bankruptcy Court, Southern District of Texas
- U.S. Bankruptcy Court, Northern

Brad Jones is a trial lawyer with a focus on complex commercial litigation. He has a diverse legal background and strives not only to recognize his clients' immediate litigation needs, but to achieve a desired outcome that is practical and consistent with his clients' long-term business objectives.

## Experience

### Energy Litigation

- Represented exploration and production company in a trial involving the purchase and delivery of drilling equipment; co-authored successful petition for review highlighted in *Texas Lawyer* "Appellate Lawyer of the Week."
- Defended exploration and production company in dispute concerning joint operating agreement and major cost overruns in the construction of processing facility.
- Defended energy services company in dispute concerning take-or-pay provisions of a crude oil buy/sale and exchange balancing agreement. Assisted in obtaining summary judgment and a favorable settlement.
- Defended industrial construction companies in personal injury and workers' compensation matters; obtained summary judgments for the parent and subsidiary.

### Commercial Litigation

- Represented national solid waste services company in multi-state litigation against competitor for tortious interference and other causes of action related to interference with customer contracts. Assisted in obtaining favorable temporary injunction and global settlement.
- Defended Mexican dairy products company in litigation against former distributor in claims related to the distribution of milk products in the United States and Mexico. Obtained favorable global settlement.
- Represented software company in commercial arbitration. Spearheaded extensive discovery necessary to refute counterclaims of fraud, breach of contract and misrepresentations. Obtained a favorable arbitration verdict awarding full damages and attorneys' fees.
- Defended Fortune 500 company in a multimillion-dollar case brought by a municipality alleging breach of contract, fraud and breach of fiduciary duty; managed extensive document preservation and e-discovery; and



District of Texas

- Texas

#### Education

- J.D., South Texas College of Law, 2007
- B.A., The University of Texas at Austin, 2003

assisted in obtaining a favorable settlement on eve of the trial.

- Assisted in obtaining dismissal of allegations of human trafficking and RICO violations against overseas government contractors; engaged in review of large-scale document preservation and e-discovery.

#### Debt Collection and Creditors Rights

- Represented foreign helicopter company in collection of unpaid services in oil company's bankruptcy liquidation and negotiated favorable settlement of preference payment allegations by trustee.
- Defended restaurant companies in breaches of commercial leases and favorably negotiated the settlement of related litigation and collections.
- Obtained summary judgment for an energy, infrastructure and engineering recruitment company in a suit on a sworn account and breach of contract matter; collected nearly 100% of actual damages post-judgment.
- Represented financial institutions and oil and gas companies in debt collection matters, including post-judgment collections, bankruptcy and adversary proceedings.
- Assisted representing Irving H. Picard, Securities Investor Protection Act (SIPA) Trustee for the liquidation of Bernard L. Madoff Investment Securities LLC, in connection with BakerHostetler's role as court-appointed counsel.

#### Noncompete and Trade Secrets

- Represented a medical device manufacturer in a suit against a competitor and former employee alleging theft of trade secrets and breach of noncompete and confidentiality agreements; obtained favorable temporary restraining order and agreed judgment.
- Represented an industrial manufacturer in a suit against a competitor and former employee alleging theft of trade secrets; obtained favorable temporary restraining order and settlement.
- Represented a medical billing service company in a suit for theft of trade secrets and tortious interference with noncompete and nonsolicitation. Mediated the case to favorable settlement.
- Defended a healthcare company in an employment dispute alleging theft of trade secrets and breach of noncompete and non-solicitation agreements; negotiated a favorable settlement.

#### Products Liability

- Defended a Fortune 100 automobile manufacturer in cases involving breach of warranty and Texas Deceptive Trade Practices Act allegations.

#### Insurance Defense

- Acts as local counsel defending insurance carriers in hundreds of National Flood Insurance Act and Standard Flood Insurance Policy disputes in state and federal courts.

### **Memberships**

- State Bar of Texas
- Federal Bar Association
- Houston Bar Association

### **Community**

- Texas Bar Foundation
- Greater Houston Preservation Alliance
- Houston Zoo Young Supporters (Flock)
- Hermann Park Conservancy

### **Pro Bono**

- Houston Volunteer Lawyers Program



# Cary P. Jones

Associate

## Cleveland

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cpjones@bakerlaw.com



### Prior Positions

- Office of the Ohio State Treasurer: Legal Intern (2015 to 2018)
- Canadian Embassy to the United States of America: Finance and Economic Policy Intern (2013)

### Admissions

- Ohio

### Education

- J.D., The Ohio State University Michael E. Moritz College of Law, 2018, *magna cum laude*; *Ohio State Law Journal*, Associate Editor; Order of the Coif
- B.A., Dalhousie University (Nova Scotia, Canada), 2013

Cary Jones' gift for finding creative solutions to solve difficult problems benefits his developing practice. Resourceful and well-rounded, he has conducted research and written memos on a number of complex topics, including FDIC coverage, tax policy and financial services regulation.

### Pro Bono

- Legal Aid Society of Columbus: Bankruptcy Pro Bono Volunteer (2015 to 2016). Collected clients' financial documents to determine eligibility for the Pro Bono Referral Project.

# BakerHostetler

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Joshua J. Jowdy

**Associate**

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## Overview

Josh Jowdy seeks creative approaches to achieve clients' goals at the pleading, discovery and trial stages of litigation. Focusing his practice on federal and state antitrust law, Josh defends clients against allegations of cartel activity in criminal grand jury investigations and civil class actions. Also, he assists clients in obtaining clearance for corporate mergers under the Hart-Scott-Rodino Act from the Antitrust Division of the Department of Justice and the Federal Trade Commission.

## Pro Bono

- Assisted in researching, drafting and structuring arguments for an amicus brief filed in a disability rights case in the United States Supreme Court for the Paralyzed Veterans of America, the Epilepsy Foundation, the National Federation of the Blind and 10 other organizations.
- Represented low-income individuals and families in hearings and settlement negotiations during eviction proceedings in the Landlord-Tenant Branch of the Civil Division of D.C. Superior Court as a student attorney with Law Students in Court.

## Services

- Antitrust and Competition

## Admissions

- Virginia
- District of Columbia

## Education

- J.D., Georgetown University Law Center, 2017
- A.B., Georgetown University College of Arts & Sciences, 2014, *magna cum laude*

# BakerHostetler

Robert A. Julian

## Partner

### Los Angeles

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## Overview

Robert Julian has more than 35 years of experience resolving high stakes disputes for his clients in complex litigation involving multiple parties and claims, breach of fiduciary duty cases and related corporate investigations, with an emphasis on such cases in an insolvency setting. In the past several years, Robert has successfully defended more than \$1 billion in five cases, and supervised the recovery of more than \$500 million in plaintiffs' cases for his clients.

He has substantial experience with issues that arise in troubled company settings, including fiduciary duty and agency disputes; insider control; director, officer, and professional liability claims, and related authority issues; direct vs. derivative shareholder claim ownership disputes; treatment of insurance coverage; fraudulent and preferential conveyances; joint venture disputes; pension claim disputes; disguised loan and other property of the bankruptcy estate disputes; alter ego and equitable remedies; lender-debtor disputes; mandatory and equitable subordination claims; right to jury trial and bankruptcy jurisdiction battles; resolution of plaintiff claims in bankruptcy; withdrawal of the reference; centralization of tort claims in the bankruptcy and district courts; abstention over claims in favor of state court; and insurance receivership disputes; and bank and bank holding company failures.

## Experience

- In Cayman Islands and Delaware litigation, obtained full indemnification of client's \$125 million liability and litigation costs in case filed against fund auditors and manager.
- Created the strategy and managed ten years of plaintiff's litigation for large utility/telecommunications client, leading to the only insolvent utility/telecommunications bankruptcy that turned into a solvent entity with over \$100 million of plaintiff recoveries and the defense of multiple claims. Case involved three separate plaintiff's suits against directors, officers, investment firm, law firm; defense of multiple creditor claims; resulting in asset pool that paid unsecured creditors and preferred shareholders in full, and distribution to common stockholders.
- Obtained state court judgment enforcing consultant's right to arbitrate contract dispute and Court of Appeal affirmance of judgment.
- Settled shareholder derivative claims against holding company directors, and represented directors in resolution of FDIC claims and resulting government investigation.
- Resolved corporate claims against CEO at conclusion of confidential internal investigation.
- Achieved favorable outcome while defending officer of failed property mortgage insurance company on trade secret claims.
- Defended seller of major company against claims for breach of an equity purchase agreement and alleged violation of confidentiality and anti-competition provisions of the agreement. Resolved the case on favorable terms after six months of litigation.
- Defended liquidation trustee against disputed \$23 million late unsecured claim — resolved claim after court trial and mediation. Defended trustee against second claim to \$22 million of disputed preferred stock dividends and interest, resolving claims after court hearings and mediation.
- Represented litigation trustee in derivative suit against former directors and officers of failed sub-prime lender on breach of fiduciary duty claims, recovering \$30 million for the trustee and the creditor estate.
- Successfully defended client against a claim filed for a share of a \$600 million estate and an insurance policy that defended such claims, after the probate estate was distributed and closed.

- Represented a paint trade association in a two-week trial over the constitutionality of a \$20 million annual state regulatory fee, successfully obtaining a judgment upholding the assessment as a valid regulatory fee.
- Negotiated a \$28 million settlement on behalf of client who served as a trustee of a failed company that sold all its assets without shareholder approval.
- Defended director of a failed Silicon Valley firm in a \$50 million lawsuit regarding breach of duty to creditors while in the "zone of insolvency," resulting in the California Court of Appeal's first published decision on the duties of directors in the "zone of insolvency."
- Represented beneficiary of late client's trust instruments in actions to set aside gifts to his lawyers, and for related damages. Obtained a court ruling on a punitive damages discovery motion that client's counsel "appears to have been deceptive about his actions and likely engaged in unethical behavior with respect to the disposition of client's estate, and there is a good chance that Plaintiff may prevail under her legal malpractice claim at trial." Settled both actions on eve of trial.
- Represented trustee in action against directors and officers of a failed telecom company for breach of fiduciary duty and waste on eve of bankruptcy filing, recovering \$21 million in mediation on eve of trial.
- Represented insurance holding company in Chapter 11 reorganization case involving question of whether the bankruptcy court could enjoin a judgment creditor's enforcement of a \$42 million fraud judgment against the debtor's insurance subsidiary, which could not file for bankruptcy protection under federal law. Obtained injunction protecting insurance company pending appeal of judgment.
- As lead insolvency litigation counsel, valued and structured out of court settlement matrix for resolution of asbestos claims against asbestos product manufacturer.
- Represented taxpayers in action to recover sales tax they paid on their purchases of coal, on the grounds that taxpayers' conversion of chemical energy in coal to electrical energy was a "resale" of the energy in coal, and hence not a taxable transaction under California's "resale" tax exemptions.
- Represented university in litigation over a fiduciary duty-accounting and commercial dispute involving health care premiums. Obtained full recovery for university after six-months of litigation.
- Successfully defeated creditors' breach of fiduciary claims that former bankruptcy trustee should be denied all fees for his services in the case for allegedly damaging estate for amounts exceeding \$250 million, and recovered an award of all the trustee's fees, \$4.5 million plus a \$2.5 million bonus.
- Obtained \$7.7 million recovery on behalf of estate in breach of fiduciary duty and subordination action against officers and directors.
- Obtained appellate ruling that Orange County taxpayer rights could be enforced via a class action in mandamus, and structured a settlement that permitted the 2,400-member class to qualify for \$49 million of tax refunds.
- Recovered 100 percent of university's losses from energy brokers on breach of fiduciary duty claims arising out of the university's sale of energy in the California market.
- Successfully defended trustee against \$200 million of claims for breach of fiduciary duty and recovered more than \$5 million for trustee. Additionally recovered more than \$170 million for the charitable trust. Served as court-appointed chairman of global settlement effort that resolved all litigation and closed five-year-old case.
- Successfully defended aerospace firm to judgment against \$450 million of design defect claims arising from FAA grounding of 747 cargo planes, recovering \$2.5 million for client's defense.
- Represented client in a breach of fiduciary duty case regarding adequate insurance coverage, recovering \$5.75 million on the eve of trial.
- Served as co-lead counsel for litigation trustee in a breach of fiduciary duty action against directors, officers, and audit firm in one of the nation's largest financial institution failures. Recovered \$24 million after 12 months of litigation.
- Represented a lender group on a \$72 million claim in a Chapter 11 case and as lead counsel in the defense of a lender liability action. Successfully resolved all claims in the Chapter 11 plan after several mini-trials and a four-day confirmation hearing.
- Represented insurance company in a broker liability case regarding appropriate insurance coverage. Recovered \$6.65 million after one year of litigation, one-day advisory jury trial in Orange County Superior Court, and a two-day mediation.
- As co-lead counsel, represented consulting M&A and strategic advisory firm in subordination action against the largest shareholder. After one year of litigation, involving primarily a bankruptcy jurisdiction dispute among the

district, bankruptcy and state courts, negotiated a \$19 million recovery: subordination/avoidance of a \$15 million secured claim; and \$4.25 million cash payment.

- Represented consulting M&A and strategic advisory firm in the defense of \$160 million of claims filed by securities class action plaintiffs in bankruptcy and district court. Responsible for four-year litigation strategy that resulted in complete defense of all claims, and estate's right to a \$13 million fund derived from proxy solicitation on eve of bankruptcy.
- Represented client in multi-party litigation involving the Department of Corporations and FSLIC, as successors to separate state and federal thrift associations. Key issue focused on the legality of a \$25 million loan portfolio owned by client that was arranged by the state thrift. The California Department of Corporations claimed client was liable for the alleged illegality and thereby contributed to the thrift's failure. Settled the litigation by cross-claiming against FSLIC for indemnity, and using FSLIC settlement payment to settle client's alleged liability to Department of Corporations.
- Represented insurance company in federal court action against failed savings association for money due on an obligation allegedly tainted by commercial bribery. Issues included actual and apparent authority of de facto officers of association, criminal conspiracy, commercial bribery, RICO claims, subrogation, and executory contract issues in bankruptcy. After a four-week jury trial, recovered \$7.2 million verdict on plaintiff's case and a defense verdict on the association's RICO counterclaims.
- Successfully defended insurance company to judgment (affirmed on appeal) when a splinter group of securities class plaintiffs brought mandamus action to compel the state insurance commissioner to place insurance company in receivership for its part in the failure of a large Northern California mortgage broker operation.
- Obtained district court order vacating judgment and directing new trial in state court on jurisdiction grounds and practical considerations. Case produced leading Ninth Circuit decision on core/non-core bankruptcy jurisdiction.
- In a case of chapter 11 bankruptcy, created Administrative Order No. 1 procedures to withdraw the reference of mass tort claims and centralize the claims in district court, obtaining injunction centralizing such claims.

## Reported Decisions

- *Federated Indians of Graton Rancheria, v. Kenwood Investments No. 2, LLC*, 2017 WL 895800 (Court of Appeals, 1st District)
- *In the Matter of Estate of Larry Hillblom*, 2011 WL 2436603 (N. Mariana Islands)
- *Equilon Enter. v. State Bd. of Equalization*, 189 Cal.App.4th 865 (2010)
- *Berg & Berg Enterprises v. Boyle*, 178 Cal. App. 4th 1020 (2009)
- *In re Touch America Holdings, Inc., No. 03-11915*, 2009 Bankr. LEXIS 1279 (Bankr. D. Del. May 14, 2009)
- *In re Touch America Holdings, Inc., No. 09-084-SLR*, 2009 U.S. Dist. LEXIS 13745 (D. Del. February 24, 2009)
- *In re Touch America Holdings, Inc.*, 401 B.R. 107 (Bankr. D. Del. 2009)
- *In re Touch America Holdings, Inc.*, 381 B.R. 95 (Bankr. D. Del. 2008)
- *Searles Valley Minerals Operations v. State Bd. of Equalization*, 160 Cal.App.4th 514 (2008)
- *In re Touch America Holdings, Inc., No. 03-11915*, 2007 Bankr. LEXIS 4167 (Bankr. D. Del. December 17, 2007)
- *In re Southeast Banking Corp.*, 314 B.R. 244 (Bankr. S.D. Fla. 2004)
- *In re Southeast Banking Corp.*, 314 B.R. 238 (Bankr. S.D. Fla. 2004)
- *In re Southeast Banking Corp.*, 314 B.R. 250 (Bankr. S.D. Fla. 2004)
- *Bunker v. County of Orange*, 103 Cal. App. 4th 542 (2002)
- *Piombo Corp. v. Castlerock Properties (In re Castlerock Properties)*, 781 F.2d 159 (9th Cir. 1986)
- *A.H. Robins Co., Inc. v. Piccinin (In re A.H. Robins Co., Inc.)*, 788 F.2d 994 (4th Cir. 1986)
- *Gold Circle Stores v. Riviera Finance - East Bay*, 540 F. Supp. 15 (N.D. Cal. 1982)
- *Gauvin v. Wagner (In re Gauvin)*, 24 B.R. 578 (Bankr. 9th Cir. 1982)

## Recognitions and Memberships

### Recognitions

- *The Best Lawyers in America*® (2007 to 2019)
  - California: Bankruptcy and Creditor Debtor Rights /Insolvency and Reorganization Law
- *Southern California Super Lawyers* (2007 to 2019)

- *Corporate Counsel Edition* (2008)

## Press Releases

- 4/17/2019  
BakerHostetler Enhances West Coast Presence With Addition of 3 Partners

## Services

- Bankruptcy, Restructuring and Creditors' Rights
- Corporate Governance
- Commercial Litigation
- White Collar, Investigations and Securities Enforcement and Litigation

## Admissions

- U.S. District Court, Central District of California
- U.S. District Court, Eastern District of California
- U.S. District Court, Northern District of California
- U.S. District Court, Southern District of California
- U.S. District Court, Northern District of Texas
- U.S. Court of Appeals, Ninth Circuit
- California

## Education

- J.D., University of California, Hastings College of Law, 1979
- B.A., University of San Francisco, 1976



# BakerHostetler

Elyssa S. Kates

## Associate

### New York

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## Overview

Elyssa Kates concentrates her practice in the areas of domestic and international corporate finance and financial restructuring. She has extensive experience in insolvency, including bankruptcy and receiverships, secured transactions and financing, multi-tranche loans, commercial litigation, financial fraud, and debtors' and creditors' rights. She represents contract counterparties, creditors, debtors, trustees, asset purchasers, transferees and landlords/lessors in bankruptcy, district and state courts. Elyssa's practice spans such industries as financial services, real estate, retail, media, shipping and logistics, public relations, hospitality and healthcare.

Before joining the firm, Elyssa represented some of the largest national and international financial institutions, insurance companies, manufacturers, landlords and real property holders in commercial, bankruptcy, creditors' rights and banking litigation and mediations, including contract issues, asset purchases, injunctions, reclamation claims, avoidance actions, actions to withdraw references, rejection claims, bond offerings, loan restructuring, banking regulations and automatic stay issues.

## Experience

### Specific Representations

- Currently is involved in the investigation and litigation of issues on behalf of the Trustee for the Securities Investor Protection Act liquidation of Bernard L. Madoff Investment Securities LLC.
- Represents the plan trustee of the Taylor, Bean & Whitaker Plan Trust on such issues as judgment collection, foreclosure and creditor representation in various bankruptcy cases.
- Involved in the litigation of multiple issues on behalf of Hybris (U.S.) Corp., an e-commerce technology provider.
- Represented Metavante Corp., a counterparty to an interest rate swap agreement with various Lehman Brothers debtors.
- Represented Rajon Financial Enterprises GmbH and Rafael Roth, creditors and former clients of Dewey & LeBoeuf LLP.
- Represented Kuehne + Nagel Inc., a defendant in an avoidance action brought on behalf of INYX USA Ltd.
- Represented Cordell funds, as noninstitutional secured lenders of entities related to The 1031 Tax Group debtors.
- Represented Forest Hills Hyperbaric LLC in a contract dispute.
- Represented Medicine Shoppe International, a secured creditor of R.G. Pharmacy Inc.
- Represented OTR, administrative creditor and landlord of Fedders Corp.
- Represented QTS Logistics Inc. and Quality Transportation Services of Nevada Inc., statutory secured creditors of various Fontainebleau Las Vegas debtors.
- Represented Tradesmen International Inc., a statutory creditor in connection with a public improvement project.

### Overview of Experience

- Represented national and regional banks in claims involving lender liability, including issues arising under the Truth in Lending Act and the Fair Credit Reporting Act.

- Represented hard money lenders in claims involving loan documentation and securitization, including enforceability of guarantees.
- Counseled commercial financiers on matters relating to business lending including working capital and acquisition financing. Representation involved negotiating and litigating over matters concerning term loans, including balloon loans, revolving loans, letters of credit, forbearance, cross-collateralization, acceleration, foreclosure on collateral and collection.
- Counseled banks and litigated claims involving negotiable instruments and Articles 3 and 4 of the Uniform Commercial Code.
- Represented a mortgagee in connection with Alt-A and subprime loans and related bundling issues.
- Counseled a mortgage lender on issues arising from data breaches.
- Represented lenders in connection with regulatory issues, including areas of suspicious activity.
- Represented an issuer in the preparation of placement documents.
- Represented a broker-dealer in litigation stemming from a failed high-yield bond offering.

## News

- 5/1/2019  
Elyssa Kates Speaks on Ways to Address Financial Exploitation of Elderly, Disabled
- 4/8/2019  
Elyssa Kates Joins Discussion of Legal Ethics at New York Women's Bar Association Annual Meeting
- 1/15/2019  
Eric Goodman, Elyssa Kates Speakers for Webinar on Bankruptcy and IP
- 12/22/2014  
*Bloomberg's* article "Madoff Victims to Get \$322 Million in Trustee Payout" acknowledges BakerHostetler attorneys at announcement of fifth distribution plans
- 11/18/2014  
*Reuters* reports on further BakerHostetler success reaching settlements boosting total recovery of funds stolen by Madoff to nearly \$10.5 billion
- 11/17/2014  
CNBC reports on BakerHostetler and the Madoff Recovery Initiative in article Madoff Recoveries Top \$10 Billion With New Settlement, "... an amount virtually no one thought possible"
- 11/17/2014  
*The Associated Press* reports on BakerHostetler and the Madoff Recovery Initiative recoveries of \$10.5 billion
- 5/5/2014  
BakerHostetler talks with *USA Today* about the SIPA Trustee's fourth pro rata interim distribution; states Madoff Recovery Initiative nears \$6 billion in distributions to allowed claimants
- 1/7/2014  
BakerHostetler's settlement with JPMorgan Chase and the ongoing Madoff Recovery Initiative Discussed on National Public Radio's *All Things Considered*
- 2/15/2013  
BakerHostetler appears on NPR's *All Things Considered* to discuss Madoff Recovery Initiative; host Robert Siegel interviews SIPA Trustee Irving Picard and his Chief Counsel David Sheehan
- 2/12/2013  
Madoff Recovery Initiative surpasses \$5 billion in distributions to allowed claimants; CNBC's Scott Cohn discusses latest recovery with BakerHostetler's SIPA Trustee Irving Picard and his Chief Counsel David Sheehan
- 12/10/2012  
Madoff Recovery Initiative Marks Fourth Anniversary ... Moves into Fifth Year Still Building Recovery Momentum
- 9/21/2012  
BakerHostetler's work recovering more than half of the losses in the Madoff Ponzi scheme featured on WNYC in interview on *The Brian Lehrer Show*
- 9/20/2012  
Press Release: Second Interim Distribution of Recovered Funds to Madoff Claim Holders



- 6/25/2012  
Press Release: United States Supreme Court Denies Certiorari, Upholding Net Equity Decision in BLMIS Liquidation
- 1/5/2012  
*The Wall Street Journal* showcases BakerHostetler and the "unprecedented magnitude" of the global recovery efforts in article "The Madoff Liquidation, Three Years Later"
- 10/4/2011  
Press Release: Initial Interim Distribution of Recovered Funds to Madoff Claims Holders

## Articles

- 7/31/2017  
Elyssa Kates Authors Article on How Landlords Can Minimize Impact of a Tenant's Insolvency

## Services

- Bankruptcy, Restructuring and Creditors' Rights
- Debt Finance
- Mergers and Acquisitions
- Commercial Litigation

## Industries

- Life Sciences
- Financial Services Industry
- Software

## Prior Positions

- Law Clerk for the Honorable Rosemary Gambardella, former Chief Judge of the United States Bankruptcy Court, District of New Jersey and for the Honorable Ellen L. Koblitz, J.S.C., Superior Court of New Jersey, Appellate Division (formerly P.J.F.P.)

## Admissions

- U.S. District Court, Eastern District of New York, 2005
- U.S. District Court, Southern District of New York, 2002
- U.S. District Court, District of New Jersey, 2000
- New York, 2001
- New Jersey, 2000

## Education

- J.D., Seton Hall University School of Law, 2000
- B.A., History, Ramapo College of New Jersey, 1996, *cum laude*

# BakerHostetler

Daniel M. Kavouras

## Associate

### Cleveland

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## Overview

Dan Kavouras is a litigator concentrating on complex commercial disputes and class action defense. Dan has experience litigating a wide range of legal issues, including commercial contracts, UCC claims, intellectual property and trade secrets, energy and environmental issues, and First Amendment law.

In addition to his litigation practice, Dan is an active contributor to the firm's [North America Shale blog](#), offering commentary on a range of issues facing the energy industry as companies intensify their use of hydraulic fracturing and other advanced extraction techniques.

## Experience

### Commercial Disputes

- Represented a large healthcare system in a preliminary injunction action against a joint venture partner. Secured a preliminary injunction restoring the client's ownership and voting rights in the hospital joint venture.
- Defended a Fortune 1000 company in related state and federal shareholder derivative actions seeking to prevent a proposed going-private transaction. Obtained dismissal of one action and negotiated a settlement, allowing the transaction to proceed.

### Class Actions

- Represented an insurance client in a multidistrict nationwide class action asserting antitrust and unfair competition claims. Court dismissed the claims on a Rule 12 motion.
- Defended a gasoline distributor in a putative class action alleging overpayment of a state commercial activity tax by supply customers.

### Intellectual Property and Trade Secrets

- Assisted a large audio-visual equipment distributor in obtaining a preliminary injunction against a competitor for trademark and trade secret violations.
- Obtained a defense verdict in a trade secret misappropriation case for a commercial welding company.
- Drafted opposition to a United States Patent and Trademark Office (USPTO) action refusing a client's trademark registration under the Lanham Act, resulting in the removal of the USPTO's objections, allowing the client to proceed with registration.

### First Amendment and Media

- On behalf of two national title insurers, challenged Cuyahoga County's interpretation of the cost provision in Ohio's Public Records Act in a mandamus action before the Ohio Supreme Court. Participated in drafting merits briefs, which resulted in a unanimous victory for the clients.
- As lead counsel for a regional newspaper, successfully argued a motion seeking access to juvenile court records.

- As part of a trial team for a local television station, obtained a directed defense verdict on libel claims after a one-week jury trial.

## Energy and Environmental

- Drafted an amicus brief supporting the dismissal of a competitor's challenge to the Environment Protection Agency's (EPA's) decision to grant a client steel producer a Clean Air Act permit to operate a new production facility, and simultaneously defended a competitor's appeal of Clean Air Act permits before the Arkansas Department of Environmental Quality and an Arkansas court of appeals.
- Analyzed emissions reporting requirements under existing Ohio EPA permits for a manufacturing client and drafted disclosure forms.
- Prepared lease disclosures and drafted asbestos, mold and lead-based paint policies for employees and tenants of a large property development client with properties in Ohio and Illinois.

## Recognitions and Memberships

### Memberships

- American Bar Association
- Ohio State Bar Association
- Cleveland Metropolitan Bar Association
- Cleveland Intellectual Property Lawyers Association (CIPLA)

### Community

- Playhouse Square Partners
- Orchard Park Elementary School: Tutor
- The Ohio State University Alumni Association
- University of Michigan Alumni Association

### Services

- Commercial Litigation

### Prior Positions

- Wayne County Prosecutor's Office, Special Prosecutions Unit: Law Clerk (2010)

### Admissions

- U.S. District Court, Northern District of Ohio, 2012
- Ohio

### Education

- J.D., University of Michigan Law School, 2012, *cum laude*; *Michigan Telecommunications and Technology Law Review*, Contributing Editor; Michigan Federal Appellate Clinic (2012); Michigan Pediatric Advocacy Initiative (2011)
- B.S., Economics, The Ohio State University, 2009, *magna cum laude*
- B.A., Political Science, The Ohio State University, 2009, *magna cum laude*

# BakerHostetler

Ferve E. Khan

## Associate

### New York

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## Overview

Ferve Khan is a practiced bankruptcy litigator who has extensive experience in large-scale liquidations and restructurings, including representing the court-appointed trustee for the SIPA liquidation of Bernard L. Madoff Investment Securities, LLC. She has represented creditors in complex Chapter 11 bankruptcy cases in industries such as energy, retail and healthcare. Ferve also has significant experience prosecuting and defending against injunctions under section 105 of the Bankruptcy Code. She also has experience reviewing document productions for compliance with the Health Insurance Portability and Accountability Act of 1996 and other data protection laws.

Ferve is also a client-focused transactional attorney and has prepared numerous third-party legal opinions for commercial real estate transactions. She also regularly speaks and writes on topics related to her practice. Ferve has presented on numerous occasions at forums such as Strafford Publications and Lawline, and has also been published in outlets such as the *American Bankruptcy Institute Journal*.

## Experience

- Represented the SIPA Trustee in the liquidation of Bernard L. Madoff Investment Securities LLC (BLMIS) in various avoidance and recovery actions brought by the Trustee. The work consisted of managing the Trustee's litigation, including drafting pleadings; managing discovery including e-discovery of voluminous documents in BLMIS's possession; litigating issues unique to SIPA cases such as good faith and the securities safe harbor; and engaging in mediation and settlement to resolve the Trustee's cases consensually.
- Represented a global energy, engineering and infrastructure recruitment company in a fraudulent transfer and preference action by the post-confirmation litigation trustee of the world's largest renewable-energy developer at the time of its filing. Defense services included: preparing pleadings; developing case strategy; researching novel "wrong payor" theory by trustee; preparing mediation briefing; and negotiating favorable settlement.
- Represented a SIPA Trustee in protracted, nine-year litigation and related proceedings to enjoin third-party plaintiffs seeking to bring individual actions asserting derivative and duplicative claims under Section 362 and 105 of the Bankruptcy Code. The work consisted of briefing and arguing the Trustee's position to the bankruptcy, district, and federal courts of appeal in several jurisdictions; understanding complex and emerging issues involving duplicative and derivative claims belonging to a bankruptcy trustee; and managing the Trustee's injunction-related litigation and appeals.
- Represented property-management company in multimillion-dollar, year-long transaction to "roll up" company's property holdings into a master fund. The work consisted of managing a team of several attorneys to prepare multiple legal opinions on non-consolidation, enforceability, and related matters; negotiating with lender's counsel on terms of opinions; performing research on novel issues arising under the Uniform Commercial Code, state tax law, and non-consolidation caselaw; and coordinating with local counsel on enforceability opinions under local applicable law.
- Represented former officer in multiple-year litigation by liquidating trustee asserting claims of healthcare fraud and avoidance in Chapter 11 proceeding of medical laboratory. The work consisted primarily of preparing pleadings; performing extensive document review and production; interpreting white collar, anti-kickback, physician self-referral,

and D&O insurance legal issues and applying to Chapter 11 proceeding; drafting various filings to protect client's interest in D&O insurance funds.

- Represented producer of greeting cards as a creditor in Chapter 11 case of iconic American department store and Chapter 11 case of American chain of grocery stores. Creditor services included: objecting to debtor-in-possession financing motion; researching complex issues of consignment, trust and security interests; defending against claims objection; negotiating with debtor on treatment of client's interests in case.
- Represented two oil exploration companies in proceedings to enjoin third-party actions seeking to bring duplicative and derivative claims. The work consisted of counseling the clients on rights and remedies concerning sections 105 and 362 of the Code; preparing research memorandum assessing merits of claims; and negotiating with third-party plaintiff's counsel for consensual resolutions.
- Represented a government-sector creditor in the reorganization proceeding of an automotive parts manufacturer in connection with a claim for workers' compensation reimbursement, including advising on priority tax treatment and application of letter of credit proceeds.
- Represented the creditor in the reorganization proceeding of iconic film and camera producer in connection with a contractual claim, including advising on the secured nature of the claim.
- Represented the retired partners' group in the liquidation proceeding of a global law firm, including advising on participation in a global settlement.
- Represented a receiver of Michael Kenwood Capital Management, LLC, an international investment advisor located in Stamford, Connecticut, and related offshore hedge funds, including litigating recovery actions.
- Represented former director in the Chapter 11 restructuring of the hedge fund.
- Represents creditor in the reorganization proceeding of the car rental company.

## Recognitions and Memberships

### Recognitions

- New York Metro Super Lawyers "Rising Star" (2014 to 2018)

### Memberships

- American Bankruptcy Institute
  - Legislation Committee: Co-Chair (April 2019 to present)
  - Bankruptcy Litigation Committee: Co-Chair (April 2017 to April 2019)
  - *American Bankruptcy Institute Journal*: Coordinating Editor, Financial Statements Column (2014 to 2017)
  - ABI *Volo* Project, Circuit Court Opinion First Responder: Author (2012 to 2015)
- New York State Bar Association
  - Committee on Women in the Law: Co-Chair (2014 to 2017)
- Federal Bar Council
  - 2013 Fall Bench and Bar Retreat: Co-Chair
  - Inn of Court
  - First Decade Committee (2009 to 2016)
- Financial Women's Association (2013 to 2016)

### News

- 2/20/2019  
Ferve Khan a Speaker at International Business Recovery Conference
- 12/28/2016  
150 BakerHostetler Attorneys Named 2016 Super Lawyers; 91 Named Rising Stars

- 10/29/2015  
160 BakerHostetler Attorneys Named 2015 Super Lawyers; 112 Named Rising Stars
- 12/22/2014  
*Bloomberg's* article "Madoff Victims to Get \$322 Million in Trustee Payout" acknowledges BakerHostetler attorneys at announcement of fifth distribution plans
- 11/18/2014  
*Reuters* reports on further BakerHostetler success reaching settlements boosting total recovery of funds stolen by Madoff to nearly \$10.5 billion
- 11/17/2014  
*The Associated Press* reports on BakerHostetler and the Madoff Recovery Initiative recoveries of \$10.5 billion
- 11/17/2014  
CNBC reports on BakerHostetler and the Madoff Recovery Initiative in article Madoff Recoveries Top \$10 Billion With New Settlement, "... an amount virtually no one thought possible"
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- 1/7/2014  
BakerHostetler's settlement with JPMorgan Chase and the ongoing Madoff Recovery Initiative Discussed on National Public Radio's *All Things Considered*
- 2/15/2013  
BakerHostetler appears on NPR's *All Things Considered* to discuss Madoff Recovery Initiative; host Robert Siegel interviews SIPA Trustee Irving Picard and his Chief Counsel David Sheehan
- 2/12/2013  
Madoff Recovery Initiative surpasses \$5 billion in distributions to allowed claimants; CNBC's Scott Cohn discusses latest recovery with BakerHostetler's SIPA Trustee Irving Picard and his Chief Counsel David Sheehan
- 12/10/2012  
Madoff Recovery Initiative Marks Fourth Anniversary ... Moves into Fifth Year Still Building Recovery Momentum
- 9/21/2012  
BakerHostetler's work recovering more than half of the losses in the Madoff Ponzi scheme featured on WNYC in interview on *The Brian Lehrer Show*
- 9/20/2012  
Press Release: Second Interim Distribution of Recovered Funds to Madoff Claim Holders
- 6/25/2012  
Press Release: United States Supreme Court Denies Certiorari, Upholding Net Equity Decision in BLMIS Liquidation
- 1/5/2012  
*The Wall Street Journal* showcases BakerHostetler and the "unprecedented magnitude" of the global recovery efforts in article "The Madoff Liquidation, Three Years Later"
- 10/4/2011  
Press Release: Initial Interim Distribution of Recovered Funds to Madoff Claims Holders
- 12/17/2010  
*The New York Times* reports on BakerHostetler's negotiation and settlement with the Picower Estate for \$5 billion in the SIPA liquidation of Bernard L. Madoff Investment Securities LLC

## Articles

- 2/1/2016  
Hirschfield, Day, Ozturk and Beachdell Author Article About School District Financing

## Community

- Cornell Law School Alumni Association
  - Alumni Curia Society Annual Dinner Planning Committee
- Brown Alumni Students Committee

- American Turkish Society

### Pro Bono

- Provides bankruptcy petition preparation services to low-income New York residents for Legal Services NYC Bankruptcy Assistance Project.
- Participated in the IRS Volunteer Income Tax Assistance Program during law school.

### Services

- Bankruptcy, Restructuring and Creditors' Rights
- Commercial Litigation
- Debt Finance

### Industries

- Financial Services Industry
- Healthcare Industry
- Energy Industry

### Prior Positions

- Law clerk for the Honorable Martin Glenn of the U.S. Bankruptcy Court for the Southern District of New York

### Admissions

- U.S. District Court, Southern District of New York
- U.S. Court of Appeals, Second Circuit
- New York

### Education

- J.D., Cornell University Law School, *Cornell International Law Journal*: articles editor, *Legal Information Institute Bulletin*: managing editor; 2008
- B.A., Political Science, Brown University, *magna cum laude*, 2005

### Languages

- Turkish

**Tanya Kinne**

**BAKER & HOSTETLER LLP**

September, 2012 – present	<b>Baker &amp; Hostetler, LLP</b> Bankruptcy Paralegal
January, 2003-July, 2012	<b>Solomon, Grindle, Silverman &amp; Wintringer</b> Litigation/Bankruptcy Paralegal
September, 2000- December, 2002	<b>Corn &amp; Associates</b> Paralegal
April, 1996-August, 2000	<b>Houtchens, Daniel &amp; Greenfield</b> Paralegal

- B.A., University of Northern Colorado, 1991
- Certified E-Discovery Specialist (CEDS), Association of E-Discovery Specialists, 2017



# Kody D. L. Kleber

Partner

## Houston

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## Services

- Commercial Litigation
- Trademark
- Copyright, Content, and Platforms

## Industries

- Energy Industry

## Prior Positions

- Texas-based National Law Firm: Litigation Associate (2008 to 2013)
- Law Clerk for the Honorable Federico A. Moreno, Chief Judge of the United States District Court for the Southern District of Florida (2007 to 2008)
- Judicial Intern for the Honorable Xavier Rodriguez of the United States District Court for the Western District of Texas (2005)

## Admissions

- U.S. District Court, Southern District of Texas
- U.S. District Court, Eastern District of Texas
- U.S. District Court, Northern District of Texas
- Texas

## Education

- J.D., The University of Texas School of Law, 2007, with honors; *The Review of Litigation*, Associate Editor
- B.A., Wake Forest University, 2003, *cum laude*

Kody Kleber is a versatile and conscientious advocate who makes his clients' needs his first priority. He represents and counsels clients in a range of complex commercial litigation matters, including oil and gas, contract, trademark, copyright, and real estate disputes. He also handles trusts and estates and personal injury defense matters. Kody has extensive experience representing his clients in many different forums, including mediation and arbitration.

## Experience

### Oil and Gas Litigation

- Counsels and defends a national drilling rig contractor in five wrongful death suits and a personal injury suit arising from a well blowout in Oklahoma.
- Represented, as second chair, an operator and working interest owner of an East Texas oil field in an arbitration proceeding against another working interest owner in a dispute concerning joint operations of the oil field. Settled on favorable terms during the arbitration proceeding.
- Served as second chair in the representation of a Gulf of Mexico operator in multiple arbitration proceedings, which concerned breach of contract claims arising from an oil production platform explosion.
- Counseled and defended an offshore drilling company in a federal court breach of contract action related to a deep water drilling project in the Gulf of Mexico.

### Trademark and Copyright Litigation

- Served as first chair in the representation of Houston Zoo, Inc. as plaintiff in a trademark enforcement action against a for profit entity infringing upon the Zoo's trademarks in the United States District Court for Southern District of Texas. Obtained a favorable settlement and agreed permanent injunction.
- Counseled and defended an energy investment company in a copyright infringement matter in the Southern District of Texas relating to alleged large-scale unauthorized distribution of subscription newsletters. Obtained a very favorable trial verdict for the client.

- Represented an international industrial gas and chemical company in a copyright infringement matter in the District of Delaware relating to unauthorized distribution of subscription newsletters. Negotiated a favorable result for the client.
- Represented, as second chair, a national charitable organization as plaintiff in a trademark enforcement action against a manufacturer of children's products in the Southern District of Texas. After mediated settlement, obtained a stipulated permanent injunction for the client. In a separate case for this client, served as first chair in a trademark enforcement action against an individual and negotiated a favorable settlement.
- Represented a recycling technology company in dual federal and state court breach of contract suits concerning the use of jointly developed technology. Won a motion to remand one federal case back to state court and won a motion to dismiss a parallel federal court case. Drafted federal circuit court briefs for the matter as well. Ultimately assisted in achieving a settlement favorable to the client.

#### **Commercial Litigation**

- Represented a chemical manufacturer as the plaintiff in two breach of contract suits. Won a motion for summary judgment in one case and negotiated a settlement in favor of the client in the second.
- Represented a large multinational parent company in a fraud and breach of software licensing and consulting agreement suit involving a dozen independently represented subsidiaries. Negotiated and co-drafted a multimillion-dollar settlement agreement on behalf of the parent company.
- Represented a manufacturer of gas processing equipment in a suit alleging breach of contract, fraud, trade secret misappropriation and tortious interference against former sales representatives. Won a significant sanctions motion and obtained a favorable settlement for client.

#### **Real Estate Litigation and Premises Liability Litigation**

- Counsels and represents a real estate investment and services firm in real property disputes.
- While representing a national electronics retailer in a premises liability action in Harris County District Court, argued and won a motion for summary judgment on all claims for the client.
- Represented a local coatings manufacturer against its insurance company for a loss claim after a building fire. Negotiated a settlement for the full amount of the client's claim.
- Represented a partner to a real estate development partnership in an arbitration dispute with development partners concerning the development of partnership property.
- Represented and counseled a national healthcare provider in landlord-tenant disputes in multiple states.

#### **Trusts and Estates Litigation**

- Represented and counseled a national bank and individuals in trusts

and estates litigation matters in Texas.

#### **Other Work**

- Represents the Houston Zoo as litigation counsel and in negotiating and drafting various vendor, supplier and services contracts.
- Represented an online marketplace services company in responding to a civil investigative demand from the Texas Office of the Attorney General's Consumer Protection Division.
- Represented a natural gas exploration company in a joint Department of the Interior and Bureau of Land Management grand jury investigation into charges of mineral trespass.
- As a volunteer prosecutor with the Houston Municipal Court, tried more than a dozen misdemeanor cases to jury verdict.
- Served as an arbitrator on multiple arbitration panels charged with deciding fee disputes between attorneys and clients through the Houston Bar Association.

#### **Memberships**

- Houston Bar Association
  - Fee Dispute Committee
  - Alternative Dispute Resolution Committee
  - Professionalism Committee

#### **Community**

- Dispute Resolution Center of Houston: Board of Directors

# Kristin D. Kluding

Associate

## Houston

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kkluding@bakerlaw.com



### Prior Positions

- BakerHostetler: Summer Associate

### Admissions

- Texas

### Education

- J.D., University of Houston Law Center, 2019, *magna cum laude*; *Houston Journal of International Law*, Editor in Chief; Association of International Petroleum Negotiators; Order of the Coif; International Law Society, Vice President; Association of Women in Law, Treasurer
- B.A., Government, University of Texas at Austin, 2013, *with honors*

Utilizing her strong writing and research skills, Kristin Kluding effectively assists attorneys with a wide variety of projects. She has considerable experience aiding with business and corporate matters, notably in the oil and gas sector. Kristin has written and spoken to the topic of Venezuela's state-owned oil companies in connection with the government's nationalization of the country's oil and extraction industries, winning the Association of International Petroleum Negotiators' student writing competition and presenting at the 2019 AIPN International Petroleum Scholar Workshop.

### Recognition

- Association of International Petroleum Negotiators, Student Writing Competition Winner (2019)


# BakerHostetler

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Renee M. Knudsen

## Associate

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## Overview

Renee Knudsen is a member of the litigation team who focuses her practice on appeals and major motions. Before joining BakerHostetler, Renee clerked for Judge Leslie Southwick, of the U.S. Court of Appeals for the Fifth Circuit, as well as for Judge Claude Hilton, of the U.S. District Court for the Eastern District of Virginia (also known as “the Rocket Docket”).

## Services

- Appellate and Major Motions

## Prior Positions

- The Honorable Leslie Southwick, U.S. Court of Appeals, Fifth Circuit: Law Clerk (2017 to 2018)
- The Honorable Claude Hilton, U.S. District Court, Eastern District of Virginia: Law Clerk (2016 to 2017)

## Admissions

- U.S. Court of Appeals, Fifth Circuit, 2018
- U.S. Court of Appeals, Fourth Circuit, 2017
- U.S. District Court, Eastern District of Virginia, 2017
- Virginia
- District of Columbia

## Education

- J.D., Regent University School of Law, 2016, *summa cum laude*; *Regent Law Review*: Managing Editor, Staff Editor of the Year
- B.S.B.A., Thomas Edison State University, 2011

**Stephen LaFalce**  
**Baker & Hostetler LLP**

2015 – Present

**Baker & Hostetler LLP**  
Legal Researcher

2013 – 2018

**UDC David A. Clarke School of Law**  
Adjunct Professor – Legal Research

2015

**Dentons US**  
Business Intelligence Analyst

2013 – 2014

**Fish & Richardson**  
Senior Research Librarian

- The Catholic University of America, M.S.L.S. Library Science
- The College of William and Mary, Master of Arts, Government
- The George Washington University, Bachelor of Arts, International Affairs

**Nikki M. Landrio**  
**BAKER & HOSTETLER LLP**

February 2009 – Present	<b>Baker &amp; Hostetler LLP</b> Senior Complex Case Coordinator
April 2003 – January 2009	<b>Silverman Acampora LLP</b> Paralegal
1997 – 1999	<b>Ruskin Moscou Faltischek, PC</b> Administrative Assistant

**DEANNA LYNN HEIDELBERG LANE, FRP**

**BAKER & HOSTETLER LLP**

**EXPERIENCE**

2003-Present	Baker & Hostetler LLP, Orlando, FL Bankruptcy Paralegal
2000-2003	Rumberger, Kirk & Caldwell, PA, Orlando, FL Contract Litigation Paralegal
1987-1991	Cook & Franke, SC, Milwaukee, WI Litigation Paralegal
1984-1987	Kirkland & Ellis, LLP, Chicago, IL Senior Litigation Paralegal
1981-1984	Winston & Strawn, LLP, Chicago, IL Litigation and Bankruptcy Paralegal

**EDUCATION**

1981	Lawyers Assistant Program, with honors in legal writing, Roosevelt University, Chicago, IL
1978	Bachelor of Music, with highest honors, University of Southern Mississippi, Hattiesburg, MS



# BakerHostetler

Andrew V. Layden

## Associate

### Orlando

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## Overview

**One impressed client reports: "I'd put [Andrew] up there with almost anyone I've ever worked with. He is intelligent and hugely efficient."**

— Chambers USA 2017

Andrew Layden is a board certified business bankruptcy attorney who concentrates his practice in commercial bankruptcy, troubled loan workouts, financial restructuring and commercial litigation. He represents financially distressed businesses and their owners in court supervised and out-of-court restructurings in a variety of industries, including energy, hospitality, retail, healthcare and real estate. He also advises creditors, trustees and distressed asset purchasers in the areas of bankruptcy, insolvency and section 363 asset sales.

In 2016, Andrew was appointed as the Orlando representative for the Local Rules Lawyers' Advisory Committee to the U.S. Bankruptcy Court for the Middle District of Florida. He has served on the board of directors of the Central Florida Bankruptcy Law Association since 2014. Additionally, he serves as a member of the Continuing Legal Education Committee of the Business Law Section of the Florida Bar. Prior to joining the firm, Andrew served as the judicial law clerk to the Honorable Caryl E. Delano, Bankruptcy Judge for the U.S. Bankruptcy Court, Middle District of Florida.

## Experience

- Represented multiple publicly traded oil and gas exploration and production companies in connection with their Chapter 11 bankruptcy cases. *In re American Eagle Energy Corporation*; *In re Black Elk Energy Offshore Operations, LLC*.
- Represented nine related companies operating investment funds primarily investing in real estate, websites, and oil and gas projects in connection with their Chapter 11 bankruptcy cases. *In re Pelican Real Estate, LLC*.
- Represented individual Chapter 11 debtor in successfully negotiating and confirming a Chapter 11 plan which contemplated the sale of multiple restaurant franchises and related assets. *In re Cosentino*.
- Represented the Official Committee of Unsecured Creditors in a Chapter 11 bankruptcy case of a manufacturer of Bitcoin mining computers and related hardware. *In re HashFast Technologies LLC*.
- Represented multiple reorganized Chapter 11 debtors and obtained a bankruptcy court order permanently preventing a group of plaintiffs from pursuing the reorganized debtors for significant contribution claims under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA). *In re Solitron Devices, Inc.* 510 B.R. 890 (Bankr. S.D. Fla. 2014).
- Represented a Fortune 500 company in multiple related lawsuits defending against claims of fraudulent transfer, successor liability and unfair trade practices.
- Represented multiple business and asset purchasers in connection with section 363 sales in the entertainment, technology and healthcare industries.
- Represented one of the largest unsecured creditors in the bankruptcy case of *In re Eastman Kodak*.

- Represented a group of midstream energy transportation companies in connection with their Chapter 11 bankruptcy cases. *In re Dakota Plains Holdings, Inc.*
- Represented multiple companies operating landfills and offering recycling services in connection with their Chapter 11 bankruptcy cases. *In re Orange County Environmental, LLC.*
- Represented the assignee in the successful assignment for the benefit of creditors proceeding of Lake Mary Logistics, Inc., a postal contractor.
- Represented unsecured creditors in the successful prosecution of a motion to convert an individual Chapter 11 bankruptcy case to Chapter 7.

## Recognitions and Memberships

### Recognitions

- Chambers USA: Bankruptcy/Restructuring in Florida (2017 to 2019)
  - Star Associate (2017 to 2019)
- American Board of Certification: Board Certified in Business Bankruptcy Law (At the time he obtained board certification, Andrew was the youngest board certified bankruptcy lawyer in the nation.)
- U.S. Bankruptcy Court, Middle District of Florida: Local Rules Lawyers' Advisory Committee
  - Orlando Representative (2016 to 2019)
- U.S. District Court, Middle District of Florida Grievance Committee (appointed by Chief Judge to six-member committee for Orlando division) (2018 to 2020)
- 89th Annual National Conference of Bankruptcy Judges: Next Generation Program (One of 40 lawyers in the nation selected to participate) (2015)
- *Florida Trend Legal Elite* "Up and Comer," Bankruptcy and Workout (2015 to 2018)

### Memberships

- American Bankruptcy Institute
- The Florida Bar: Business Law Section
  - Bankruptcy/UCC Committee: Legislative Subcommittee (2017, 2018)
  - Continuing Legal Education Committee (2016 to 2018)
  - Deposition Boot Camp Seminar: Co-Chair (2017)
- Central Florida Bankruptcy Bar Association
  - Board of Directors (2014 to 2016, 2017 to 2019)
  - Treasurer (2018)
- Orange County Bar Association
- Federal Bar Association: Orlando Chapter

### News

- 1/17/2019  
Liz Green, Team Earn "Deal of Year" Honors for Alliance Medical Holdings Sale
- 6/26/2018  
Andrew Layden Named "Legal Elite Up & Comer" by Florida Magazine

### Press Releases

- 5/3/2018  
*Chambers and Partners USA* Honors 118 Attorneys and 45 Practice Areas in 2018 Guide

### Community

- Big Brothers Big Sisters of Central Florida: Volunteer (2014 to 2017)
- Leadership Orlando, Class 89 (2015)

## Pro Bono

- Volunteers for the Middle District of Florida Bankruptcy Pro Se Clinic, offering information and guidance to individuals who choose to represent themselves in U.S. Bankruptcy Court.

## Services

- Bankruptcy, Restructuring and Creditors' Rights

## Prior Positions

- Law Clerk to the Honorable Caryl E. Delano of the United States Bankruptcy Court for the Middle District of Florida (2010 to 2011)
- Judicial Extern to the Honorable Maurice Paul of the United States District Court for the Northern District of Florida (2009)

## Admissions

- U.S. Court of Appeals, Eleventh Circuit
- U.S. District Court, Middle District of Florida
- U.S. District Court, Southern District of Florida
- U.S. District Court, Northern District of Florida
- Florida

## Education

- J.D., University of Florida Levin College of Law, 2010; *cum laude*; Articles Editor, *Florida Law Review*; Book Awards: Tort Litigation, Law & Economics, Employment Law
- B.S., Finance, Applied Economics, Florida State University, 2007, *cum laude*

# John R. Lehrer II

Partner

**Washington, D.C.**

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## Services

- Transactional Tax
- International Tax
- Environmental

## Industries

- Hospitality Industry

## Prior Positions

- PricewaterhouseCoopers LLP, Washington National Tax Office: Mergers and Acquisitions Group (2004 to 2007)
  - Manager
  - Senior Associate
- Pace Global Energy Services, LLC (1999 to 2004)
  - Vice President
  - Deputy General Counsel
  - Associate General Counsel

## Admissions

- U.S. Court of Appeals, Fourth Circuit
- U.S. Tax Court
- District of Columbia
- Virginia
- Maryland

## Education

- LL.M., Taxation, Georgetown University Law Center, 2006, with distinction
- J.D., George Mason University School of Law, 1999
- B.S., Finance, Virginia Polytechnic Institute and State University, 1996
- B.S., Management, Virginia Polytechnic Institute and State University, 1996

John Lehrer provides federal income tax advice focused on domestic and cross-border mergers, business acquisitions and dispositions, joint ventures, spin-offs and tax-free reorganizations. He focuses his practice on the overall corporate structuring (domestic and international) of taxable and tax-free transactions; corporate divisions under IRC Section 355; liquidations; shareholder redemptions; entity selection; basis and E&P calculations; deemed asset purchases; tax due diligence; corporate loss limitation studies (IRC Section 382); the overall tax aspects of bankruptcy and workouts; and the consolidated return regulations. He represents clients before the Internal Revenue Service with respect to private letter rulings and all aspects of dispute resolution, including responses to preliminary information requests, assistance with the audit process and representation in matters before the IRS Appeals Division.

John serves as the Tax group coordinator for the firm's DC office. He frequently lectures on various tax topics at seminars and institutes around the country.

## Experience

- Oversaw comprehensive restructuring of a public company materials manufacturer's international corporate structure involving dozens of entities located in more than 25 countries to realign ownership and intercompany indebtedness. The project required coordination among local counsel and corporate and tax advisors and strict adherence to cascading deadlines in each jurisdiction.
- Advised a multinational hospitality company on international tax structuring in Asia, Europe, Australia, and Latin America, including intellectual property matters, transfer pricing, exit tax and foreign tax credit planning. Structured a tax-sharing agreement that resulted in tax attributes enabling the structuring of the company's brand names and utilized holding company structures overseas. Work with the company also included representation against the IRS in an underlying tax controversy.
- Represented The E.W. Scripps Company in the merger of its broadcast assets with those of Journal Communications and the spinoff of its newspaper business.
- Represented The E.W. Scripps Company in its acquisition of the Katz broadcast networks in a deal worth \$302 million.

- Represented a private equity investor in negotiating and documenting a \$200 million joint venture to create a new automotive original equipment manufacturer in the United States.
- Represented The E.W. Scripps Company in its \$110 million purchase of two television stations from Granite Broadcasting Corporation.
- Represented a public company in connection with restructuring of \$100 million of Australian debt.
- Represented an oil and gas company purchaser in a \$95 million acquisition of a technology company.
- Represented a target hydration company in an \$80 million sale of the target.
- Represented CenterPoint Energy in its \$77.5 million acquisition of Continuum Energy's retail energy services business.
- Represented Chesapeake Utilities Corporation in its \$59.2 million acquisition of Gatherco, Inc.
- Represented a public European company in its \$49 million acquisition of a United States electro-mechanical repair business.
- Represented CenterPoint Energy in its \$40 million acquisition of Atmos Energy Marketing, LLC (AEM), a retail energy services business.
- Represented Lincoln Electric Holdings Inc. in its acquisition of Rimrock Holdings Corporation and EASOM Automation Systems, Inc.
- Lead tax attorney in connection with MPE Partners' acquisition of Plastic Components, Inc.
- Represented Morgenthaler Partners in a stock sale of Roto-Die Company, Inc. to Sentinel Capital Partners.
- Advised a global private equity fund on taxation structuring issues.
- Represented a healthcare management organization in its purchase of a physician group's medical practice.
- Represented a debtor in connection with the sale of assets pursuant to sections 363 and 365 of the Bankruptcy Code.
- Represented a major tobacco company in connection with an IRS controversy related to a significant complicated accounting method issue.
- Representing a captive insurance company manager in an IRS promoter examination.
- Advising public companies on foreign bank account reporting compliance matters.
- Represented Schlumberger Ltd. in its acquisition of Omron Oilfield and Marine, Inc.

#### **Prior Experience**

- While working for an international energy management and consulting company, John's responsibilities included drafting consulting and confidentiality agreements, negotiating joint venture agreements with parties located in Germany and Brazil, acquiring rights-of-way for development of natural gas pipeline laterals for a natural gas-fired

power plant that was under construction, assisting with the sale of an interest in a natural gas-fired power plant, and addressing legal and tax issues involved with the development of synthetic fuel manufacturing facilities under IRC Section 29.

### **Recognition**

- The Legal 500 United States
  - Recommended in Tax - U.S. Taxes: Non-contentious (2019)
  - Recommended in Tax - International tax (2013, 2017 to 2019)

### **Memberships**

- American Bar Association: Section of Taxation
- DC Bar Association: Tax Section
- *The Tax Adviser*: Editorial Board (2009 to 2014)

# Daniel R. Lemon

Associate

## Cleveland

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## Admissions

- U.S. District Court, Northern District of Ohio
- U.S. Court of Appeals, Sixth Circuit
- Ohio

## Education

- J.D., University of Virginia School of Law, 2017
- B.A., Michigan State University, 2012, with honors

Daniel Lemon guides clients through complex litigation with a level-headed and practical approach. He has experience with cases of all sizes, from multimillion-dollar class actions to *pro bono* representation of individual clients. His understanding of complex legal issues helps clients make informed decisions and achieve their goals.

## Experience

### Higher Education and Title IX

- Advises one of the nation's top universities on Title IX matters and discrimination claims, helping administrators in the #MeToo era respond appropriately and effectively.

### Ohio's Competitive Energy Markets

- Represents several of Ohio's largest competitive suppliers of electricity and natural gas on a range of matters before the Public Utilities Commission of Ohio.

### Appellate Litigation

- Helped win a major victory in *Gembarski v. PartsSource*, an Ohio Supreme Court case about waiving arbitration rights in class actions.
- Represented *amici* in the Supreme Court of the United States in matters involving class certification.

### Securities Litigation

- Defended an international aerospace company in a securities fraud lawsuit alleging hundreds of millions of dollars in damages.

### Internal Investigations

- Conducted internal investigation into allegations of corruption at the Mexican subsidiary of a multinational company.

### Insurance

- Advises a regional insurance company on tricky claims alleging catastrophic damages, helping to avoid bad faith litigation.



## Memberships

- ATIXA-certified Title IX Investigator
- Federal Bar Association
- Cleveland Metropolitan Bar Association

## Pro Bono

Daniel takes his professional obligation to represent underserved clients seriously. He has successfully represented *pro bono* clients before courts and administrative agencies.

- Represented clients in the Federal Court of Appeals for Veterans' Claims as part of the BakerHostetler Veterans' Consortium Pro Bono Program. Alongside a small team of attorneys, successfully appealed the denial of a deceased veteran's benefits; the court instructed the Veterans Administration to reconsider the denial.
- Represented an indigent client whose Social Security benefits were wrongfully terminated. The Social Security Administration reversed its prior decision and reinstated the client's benefits, including back-pay, providing the client with a steady income and preventing homelessness.
- Assisted with civil rights litigation on behalf of nonprofit organization committed to promoting women's health.



# Brittany N. Lockyer

Associate

## Cleveland

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### Prior Positions

- Cleveland Metroparks: Law Clerk (2016 to 2018)
- The Honorable Dan A. Polster, U.S. District Court, Northern District of Ohio: Judicial Extern (2016)

### Admissions

- Ohio

### Education

- J.D., Case Western Reserve University School of Law, 2018, *magna cum laude*; Case Western Reserve University Law Review, Senior Editor; Order of the Coif
- B.A., Miami University, 2013

Brittany Lockyer's developing practice benefits from her strong work ethic and commitment to succeed. She relies on a gift for multitasking to assist both team members and clients with various needs: Her diverse background includes representing clients in landlord-tenant and employment disputes, drafting capital habeas petitions, and performing research for the Chief Legal & Ethics Officer and Chief Prosecuting Attorney at the Cleveland Metroparks.

# Jenna M. Lorence

Associate

## Washington, D.C.

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### Services

- Appellate and Major Motions

### Prior Positions

- The Honorable Allison Jones Rushing, United States Court of Appeals for the Fourth Circuit: Law Clerk

### Admissions

- District of Columbia
- Virginia

### Education

- J.D., Washington and Lee University School of Law, *cum laude*; *Washington and Lee Law Review*, Lead Online Editor; Moot Court Executive Board, Chair
- B.A., Government, Patrick Henry College

Jenna Lorence counsels and represents clients in complex litigation matters. Drawing from her experience clerking for the U.S. Court of Appeals for the Fourth Circuit, she has insight into relevant judicial processes and procedures. She also has experience in motions practice and briefing, including drafting amicus briefs to the Supreme Court of the United States. Conscientious and detail-oriented, Jenna works closely with clients to navigate the complicated matters that arise when handling litigation and appeals.

### Memberships

- Bar Association of the District of Columbia
- Virginia Bar Association

**Amanda S. Marshall**  
**BAKER HOSTELTER**

Jan 2019 – Present

**Baker Hostetler**  
Legal Researcher

May 2013 – Jan 2019

**O'Connor's**  
Legal Editorial Assistant/Development Editor

August 2005 – May 2013

**Hinton Bailey (formerly Hinton Sussman Bailey & Davidson)**  
Associate

- Licensed attorney in State of Texas and Southern District of Texas
- Vanderbilt University Law School, JD, May 2005

# Daniella E. Martinez

Associate

## Houston

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dmartinez@bakerlaw.com



## Prior Positions

- Law Clerk for the Honorable Rolando Olvera, United States District Court for the Southern District of Texas (2017)
- U.S. House of Representatives, Congressman Henry Cuellar: District Press Secretary (2011 to 2013)

## Admissions

- U.S. District Court, Southern District of Texas
- Texas

## Education

- J.D., The University of Texas School of Law, 2016; *Texas Journal on Civil Liberties & Civil Rights*, Staff Editor; Order of Barristers; Student Bar Association, President; Chicano Hispanic Law Student Association, Board Member
- B.S., The University of Texas at Austin, 2011, with high distinction, Business Foundations Certification

## Languages

- Spanish

Daniella Martinez focuses her practice on complex commercial litigation in both state and federal courts. She represents clients in a broad range of matters, including commercial disputes, energy litigation and personal injury claims. Prior to joining BakerHostetler, Daniella clerked for the Honorable Rolando Olvera, U.S. District Judge in the Southern District of Texas.

## Experience

- Assisted in the defense of oil and gas operator in significant personal injury suit. Handled research, discovery, dispositive motions, and deposition preparation resulting in the quick dismissals of all claims.
- Served as member of a trial team that obtained a jury verdict awarding over \$60 million in damages to an oil and gas exploration and production company. The award, based on a counterclaim, asserted gross negligence and willful misconduct on the part of the operator in the construction of a processing facility.
- Assisted in representation of oil and gas service company in suit against former employees and competitor for theft of confidential information. Researched and drafted trial memorandums on key issues. Case resulted in favorable settlement for the client.

## Memberships

- Texas Law Alumni Steering Committee
- Houston Young Lawyers Association: Firm Liaison

## Pro Bono

- Represent minors in state court proceedings in an effort to seal juvenile criminal records, drafting petitions, arguing on behalf of the minor at hearings, and ensuring all relevant federal, state and local agencies comply with the sealing requirements.
- Draft wills, medical directives, and other end-of-life planning documents for senior citizens.
- Worked on protection for non-residents petitions under the Violence Against Women Act, including translation of personal statements.

- Represented indigent clients charged with misdemeanor crimes.
- Assisted in the appellate process of inmates sentenced to lengthy prison terms.

# Bridget S. McCabe

Associate

## Los Angeles

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bmccabe@bakerlaw.com



### Services

- Antitrust and Competition
- Commercial Litigation

### Admissions

- U.S. Court of Appeals, Federal Circuit
- U.S. District Court, District of Columbia
- U.S. District Court, Central District of California
- U.S. District Court, Northern District of California
- U.S. District Court, Southern District of California
- U.S. District Court, Eastern District of California
- New York
- District of Columbia
- California

### Education

- J.D., Catholic University of America, Columbus School of Law, 2010, *cum laude*; *Catholic University Law Review*, Production Editor; Merit Award Scholarship Recipient
- B.A., English, University of San Diego, 2004; Department of English Honors; Captain, NCAA Division I Volleyball Team (2003)

Bridget McCabe focuses her practice on high-stakes, complex commercial disputes in federal courts across the country, including antitrust litigation, trade secret misappropriation, patent infringement, Administrative Procedure Act challenges, and commercial contract claims. Experienced in all phases of litigation, Bridget advocates for her clients by maintaining close attention to detail and developing effective case strategy. Bridget routinely drafts complex legal arguments and is well-versed in motion practice, dispositive motion hearings, depositions, all stages of written discovery, preliminary injunction proceedings, and trial preparation.

### Experience

- Representing a major petroleum company seeking to recover environmental costs against the United States related to World War II and Korean Conflict contracts.
- Member of a trial team representing a certified class of dairy farmers located in 14 southeastern states against the Dairy Farmers of America, Dean Foods and a number of other defendants in an action alleging violations of Section 1 of the Sherman Act by unlawfully conspiring to eliminate competition for the marketing, sale and purchase of raw milk in the Southeast. Litigation was settled for more than \$300 million, along with the agreed reform of significant business practices.
- Represented several major children's hospitals in three cases challenging a federal agency's application of guidance as an interpretative rule. Obtained preliminary and permanent injunctive relief enjoining the agency from recouping millions of dollars from the hospitals.
- Represented multiple children's hospitals challenging an agency's final rule codifying guidance that denies children's hospitals millions of dollars in supplemental Medicaid funds. Obtained vacatur of the rule on summary judgment.
- Representing a biopharmaceutical company in Administrative Procedure Act challenge to a final rule promulgated by the Food and Drug Administration regarding drug compounding.
- Member of a team representing a certified class of dairy farmers in an action alleging an unlawful conspiracy to eliminate competition for the

marketing, sale and purchase of raw milk in the Northeast in violation of sections 1 and 2 of the Sherman Act. Settlements totaling \$80 million, plus non-monetary relief, have been obtained on behalf of the clients and class.

- Represented a heavy equipment manufacturing client in a dispute involving trade secret misappropriation, breach of contract, and false advertising.
- Represented a heavy equipment manufacturing client in a complex contract dispute that included allegations of fraud.
- Member of a team that conducted an internal investigation of a Fortune 100 company in connection with alleged criminal antitrust violations.
- Represented tobacco company client in the defense of antitrust claims brought by a purchaser under the Robinson-Patman Act.
- Represented a technology company in a patent infringement matter involving on-hold music and messaging technology. After obtaining a favorable Markman ruling, the litigation team significantly narrowed plaintiff's claims through summary judgment, resulting in the ultimate dismissal of the action with prejudice.
- Member of a litigation team defending a prominent GPS navigational equipment manufacturer in various patent litigation matters.

### **Recognition**

- New York Metro Super Lawyers "Rising Star" (2017 to 2018)

### **Memberships**

- American Bar Association

### **Pro Bono**

- Served as special assistant corporation counsel for the Law Department of the City of New York. Conducted and defended depositions on behalf of the city.



# Marcus McCutcheon

Associate

## Costa Mesa

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### Services

- Commercial Litigation
- Antitrust and Competition

### Prior Positions

- Entertainment, Arts and Sports Law Society: Treasurer

### Admissions

- U.S. District Court, Central District of California
- California

### Education

- J.D., Florida State University College of Law, 2011
- B.A., Political Science and Cultural & Social Anthropology, Stanford University, 2007

Marcus McCutcheon focuses his practice on complex civil litigation and has significant experience litigating complex business, consumer warranty, product/technology, insurance coverage, construction defect, and employment matters in both federal and state courts. He also works with manufacturers in the automotive industry in regulating the relationship between the manufacturers and their franchise dealers and representing manufacturers in consumer warranty matters. He treats the client-attorney relationship as a partnership, using a practical and creative approach to achieve his clients' goals.

Marcus is a member of the firm's Diversity and Inclusion Committee.

### Experience

- Defended multiple multinational automobile manufacturers in numerous consumer warranty matters.
- Member of team representing a multinational fitness equipment manufacturer in a product liability matter.
- Represented a global, integrated healthcare services and products company in litigation involving claims brought by an employee who was injured while operating equipment in a company warehouse.
- Defended a luxury shoe wear and streetwear apparel retailer in litigation alleging fraud against the retailer. Obtained voluntary dissolution of a preliminary injunction previously issued against the retailer and voluntary dismissal of the complaint.
- Represented an aerospace components manufacturer in defending and counterclaiming against another industry manufacturer in breach of contract litigation.
- Part of team defending a large manufacturer in a wage and hour employment class action, as well as in federal court litigation against its insurer, which initially refused to pay for the manufacturer's defense in the underlying class action. The manufacturer reached a favorable settlement with its insurer following a successful motion for partial summary judgment.
- Represented a global operator of airport concessions in construction defect litigation involving numerous facilities in one of the United States' busiest airports. Assisted with the litigation and resolution of claims against dozens of contractors and/or their bond providers and



ultimately recovered a high percentage of the funds at issue to complete the construction.

- Assisted in construction development litigation representing a real estate developer that was sued by a large public hospital district in federal court.
- Assisted in construction development litigation representing a large multinational medical hardware manufacturer in a suit over a real estate development.

### **Recognition**

- National Black Lawyers Top 40 Under 40
- Leadership Counsel on Legal Diversity, Pathfinder Program (2016)

### **Memberships**

- American Bar Association
- National Bar Association
- Orange County Bar Association: Former Young Lawyers Division Community Outreach Committee Chair
- Orange County Celtic Bar Association: Trustee
- Orange County Thurgood Marshall Bar Association
- Orange County Hispanic Bar Association

### **Pro Bono**

- Represented an elderly World War II veteran plaintiff in elder abuse litigation. Obtained a favorable settlement for plaintiff on the morning of trial.
- Defended a single mother of four in collections litigation, vacating plaintiff's default judgment and obtaining a favorable settlement for defendant.

**Michael McDonald, CEDS, RCA**  
**Baker & Hostetler LLP**

Jan 2017 – Present	<b>Baker &amp; Hostetler LLP</b> Senior Litigation Support Coordinator
May 2012 – Dec 2016	<b>Baker &amp; Hostetler LLP</b> Litigation Support Coordinator
Apr 2008 – May 2012	<b>Vorys, Sater, Seymour and Pease LLP</b> Litigation Technology Analyst
Jan 2006 – June 2009	<b>Vorys, Sater, Seymour and Pease LLP</b> Paralegal
Sept 2005 – Dec 2005	<b>Vorys, Sater, Seymour and Pease LLP</b> Workers' Compensation Assistant
Sept 1999 – Sept 2005	<b>Vorys, Sater, Seymour and Pease LLP</b> Workers' Compensation Coordinator
Jan 1999 – Sept 1999	<b>Jones, Day, Reavis &amp; Pogue</b> Project Assistant

- Relativity Certified Administrator (RCA) designation earned from Relativity, February 2019
- Certified E-Discovery Specialist (CEDS) designation earned from Association of Certified E-Discovery Specialists, April 2015
- Kent State University, Bachelor of Fine and Professional Arts, August 1994

**Casey M. McIntosh**  
**BAKER & HOSTETLER LLP**

September, 2013 – present

**Baker & Hostetler, LLP**  
Litigation Support Jr. Coordinator

December 2008 to September 2013

**The Giardinelli Law Group, APC**  
Paralegal

- Paralegal Certificate earned from the University of San Diego in December 2008.
- San Diego State University, Bachelor of Arts, December 2007

# Danielle L. Merola

Associate

## Orlando

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### Services

- Bankruptcy, Restructuring and Creditors' Rights

### Prior Positions

- The Honorable Karen S. Jennemann, U.S. Bankruptcy Court for the Middle District of Florida: Judicial Law Clerk
- The Honorable James D. Whittemore, U.S. District Court for the Middle District of Florida: Judicial Intern
- U.S. Department of Justice Elder Justice Initiative: Volunteer Intern

### Admissions

- Florida

### Education

- J.D., Stetson University College of Law, 2015, *magna cum laude*; *Stetson Law Review*, Articles & Symposia Editor; Book Awards: Bankruptcy, Civil Procedure, Contracts, Complex Litigation, Real Property, Constitutional Law, Trusts & Estates, Administrative Law, Advanced Legal Research
- B.A., University of Central Florida, 2012, *cum laude*

With extensive experience working in courtrooms and with judges, Danielle Merola brings an in-depth understanding of judicial processes to her bankruptcy practice. She is familiar with the complex nuances of multiple chapters of bankruptcy. Additionally, she has experience drafting orders, opinions, internal memoranda, and hearing briefs for several judges. Besides her traditional judicial law clerk duties during her clerkship, Danielle was the head writer on the Procedure Manual Committee. She drafted and edited district-wide procedures consistent with the Federal Rules of Civil Procedure, Federal Rules of Bankruptcy Procedure, the Bankruptcy Code, and local regulations.

Conscientious and hard-working, Danielle strives to educate clients on bankruptcy-related processes and lead them towards a favorable outcome.

### Recognition

- U.S. Bankruptcy Court for the Middle District of Florida: Employee Recognition Award for Outstanding Performance (2016 to 2018)

### Memberships

- Central Florida Bankruptcy Law Association
- Florida Bar Association

# Sushant Mohan

Associate

## Houston

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## Services

- OSHA Defense
- Commercial Litigation

## Industries

- Energy Industry

## Prior Positions

- Judicial Intern for the Honorable Nancy F. Atlas, United States District Court Judge, Southern District of Texas (2012)
- Public Accounting Firm: Associate (2010 to 2011)

## Admissions

- U.S. District Court, Southern District of Texas
- U.S. District Court, Northern District of Texas
- Texas

## Education

- J.D., University of Houston Law Center, 2014, *cum laude*, Order of the Barons, *Houston Law Review*, Moot Court Team
- M.P.A., Professional Accounting, The University of Texas, 2010
- B.B.A., Business Administration, The University of Texas, 2010

## Languages

- Hindi

Sushant Mohan focuses his practice on complex commercial litigation with a focus on the energy industry. He draws on his business background in developing his practice. Prior to law school, Sushant worked for a public accounting firm, where he focused on financial audits of publicly traded companies. He continues to hold a non-practicing license as a Texas Certified Public Accountant.

During law school, Sushant was a member of the interscholastic moot court team and also served as an editor of the *Houston Law Review*, where he earned an award for Best Paper in the area of Employment Law as well as an award for Best Notes and Comments Editor.

## Experience

- Member of trial team that recovered more than \$74 million in damages for an independent oil and gas exploration and production company. The award was based on a counterclaim asserting gross negligence and willful misconduct on the part of the operator in the construction of a processing facility which exceeded the authorized budget by millions of dollars. The counterclaim also alleged that the operator was grossly negligent and engaged in willful misconduct when it drilled and completed an oil and gas well, which required five sidetracks and cost over \$25 million more than expected. The well watered out mere weeks after being placed on production and caused billions of cubic feet of gas to be unrecoverable. The operator's initial claim for unpaid JIBs was rejected by the jury.
- Member of trial team that obtained a unanimous jury verdict after a six-week trial with actual damages of \$72 million. The client, Plaintiff, is a publicly-traded oil and gas services company that filed suit against former executives for breach of fiduciary duty, fraud, and conspiracy. The executives' scheme involved kickbacks in domestic and international transactions as well as numerous efforts to conceal their behavior from compliance and audit.
- Served as a member of the trial team that represented a shareholder and executive in a multiclaime action against a co-shareholder involving breaches of fiduciary duty, fraud and negligence. Drafted various dispositive and non-dispositive motions and assisted in preparation for the trial, which lasted three weeks. The client prevailed at jury trial.
- Served as a member of the litigation team that represented an oil and

gas lessee in a multiparty lawsuit involving claims of trespass, fraud and suit to quiet title. Handled various aspects of lawsuit, including discovery and dispositive motions, and successfully helped navigate case to a favorable settlement for the client.

- Served as lead associate in multiple OSHA matters related to workplace accidents and successfully navigated cases to favorable settlements, including reclassification of citations, decreases in penalty, and/or dismissal of all claims in OSHRC action.
- Served as lead associate in the successful representation of an energy company after injury to a third party by a company vehicle. Responsible for case-related research as well as preparing materials for mediation. The case settled favorably for the client.
- Defended an energy service company in a negligence action and assisted with discovery and case-related research.

### **Memberships**

- Garland R. Walker American Inns of Court
- Leadership Council of Legal Diversity (LCLD): Alumni
- Texas Bar Foundation: Fellow
- South Asian Bar Association

# George T. Mooradian

Partner

## Costa Mesa

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*"[George] provides a 'tremendous amount of depth and expertise' and 'very pragmatic, thorough and detailed' approach [while] always remaining 'levelheaded and calm' ..."*

— Chambers USA 2015

## Services

- Private Wealth Planning

## Admissions

- California
- District of Columbia
- Michigan

## Education

- LL.M., New York University School of Law, 1980
- J.D., University of Michigan Law School, 1978
- B.A., University of Michigan, 1976, high distinction

George Mooradian is the Partner-in-Charge of the firm's Costa Mesa office. His practice focuses on tax and estate planning for high-net-worth individuals and the administration of trusts and estates. His clientele includes corporate executives, successful closely held businesses and their owners, and corporate trustees.

With substantial experience in the development of sophisticated business succession and estate plans for the owners of closely held businesses, George has advised high-net-worth individuals on personal tax and charitable planning through the use of devices such as charitable remainder trusts, charitable lead trusts, private foundations and supporting organizations.

George is called on regularly by corporate trustees to advise on trust administration issues. These issues include utilization of postmortem planning techniques and trust reformations to achieve desired tax results and dealing with administration issues and disputes arising under trust instruments.

George has experience in related property and sales tax issues. He also has been involved in tax controversy work ranging from federal income, estate and gift tax audits to appeals and litigation to property tax disputes.

George has been named in the *Chambers USA Guide: America's Leading Lawyers* in the area of Tax: Estate Planning since 2011 and has been named a Southern California "Super Lawyer" by *Law & Politics* and the publishers of *Los Angeles Magazine* every year since 2006. George is a Certified Public Accountant in Michigan.

## Recognition

- Chambers HNW: Private Wealth in Southern California (2016 to 2019)
- Chambers USA: Tax Estate Planning in California (2011 to 2016)
- *The Best Lawyers in America*® (2016 to Present)
  - California: Tax Law
- Martindale-Hubbell: AV Rating
- Southern California "Super Lawyer" (2004, 2006 to 2019)





# BakerHostetler

Kimberly S. Morris

**Partner**

**Los Angeles**

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## Overview

Kim Morris focuses her practice on the representation of public and private corporations or board committees in connection with corporate compliance matters, regulatory investigation and enforcement actions, as well as in complex civil litigation. Kim has extensive experience in designing and conducting internal investigations relating to compliance breaches, securities and financial fraud, whistleblower allegations, employment matters, and regulatory and audit inquiries. She also regularly represents witnesses, subjects and targets in connection with grand jury investigations in both state and federal criminal matters. On the civil side, Kim advises clients in connection with professional liability claims, civil fraud cases, and shareholder disputes. A diligent and efficient litigator, Kim works with her clients to navigate their issues, analyze ramifications, and find effective solutions that best fit the needs of her clients.

## Experience

- Conducted an internal investigation for a board committee of a financial institution regarding fraudulent conduct by a bank manager and successfully referred the matter to the United States Attorney's Office, leading to a bank fraud conviction and substantial restitution award for the financial institution.
- Assisted a Fortune 200 company in obtaining auditor sign off of a cross-border investigation into employee accounting fraud.
- Conducted an internal investigation for the board of a financial institution relating to alleged misconduct by the CEO.
- Represented the directors of a failed bank's holding corporation against breach of fiduciary duty claims brought derivatively by the shareholders of the corporation. In a parallel lawsuit, defended the same directors in an investigation by the FDIC relating to the bank's failure.
- Conducted an internal investigation for a public energy company relating to improper loans to the CEO.
- Obtained a \$30M settlement for a bankruptcy trustee in connection with a complex civil litigation involving breach of fiduciary duty and fraudulent transfer claims against multiple former officers and directors of a failed subprime mortgage lender.
- Represented a target of a Fortune 500 company in a federal grand jury investigation and subsequent criminal prosecution relating to alleged Clean Water Act violations. After meeting with federal authorities, proposed charges against client were dropped.
- Obtained a full record clearance for a CEO of a healthcare company in a multi-jurisdictional criminal prosecution involving insurance fraud violations.
- Conducted an internal investigation for an audit committee of a lending institution following whistleblower allegations that the institution was violating fair lending laws.
- Conducted an internal investigation for the audit committee of an agricultural lender relating to the largest reported internal fraud within the federal government's Farm Credit System.
- Successfully defended client against a claim filed for a share of a \$600M estate and a \$30M insurance policy that defended such claims.
- Achieved a declination of prosecution for a target in a grand jury investigation into alleged misrepresentations on the accuracy of a medical device.

## Recognitions and Memberships

## Memberships

- American Bar Association, White Collar Crime Division
- San Francisco Bar Association
- Women's White Collar Defense Association

## Press Releases

- 4/17/2019  
BakerHostetler Enhances West Coast Presence With Addition of 3 Partners

## Community

- MidWeeklies: Board Member

## Pro Bono

- Represent tenants facing eviction through the San Francisco Bar Association's Justice and Diversity Center.
- Part of team that represented death row inmate in appeal trial.

## Services

- White Collar, Investigations and Securities Enforcement and Litigation
- Securities and Governance Litigation
- Corporate Governance
- Commercial Litigation

## Admissions

- U.S. District Court, Central District of California
- U.S. District Court, Northern District of California
- U.S. District Court, Eastern District of New York
- U.S. District Court, Southern District of New York
- U.S. Court of Appeals, Ninth Circuit
- California
- New York

## Education

- J.D., The Catholic University of America, Columbus School of Law, 2004, *magna cum laude*; Recipient of Law School Alumni Society Award for Academic Excellence; Moot Court; *Catholic University Law Review*, Notes and Comments Editor; Judge Kathryn J. DuFour Scholarship Recipient; Merit Scholarship Recipient
- B.A., Fairfield University, 1999, with honors; Student Honors Association

# Nicholas C. Mowbray

Associate

## Washington, D.C.

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### Services

- International Tax
- Transactional Tax
- Tax Controversy and Litigation

### Admissions

- U.S. Tax Court
- U.S. District Court, Northern District of Illinois
- Illinois
- District of Columbia

### Education

- LL.M., Taxation, Northwestern University School of Law, 2014, with honors
- J.D., Chicago-Kent College of Law, Illinois Institute of Technology, 2010; Student Bar Association, Vice President
- B.A., University of Michigan, 2006

### Languages

- Spanish

Nicholas Mowbray focuses his practice on U.S. and international tax matters. Nicholas regularly advises clients on ways to enhance the tax efficiency of commercial transactions and operating structures, while also counseling clients in restructurings, acquisitions, joint ventures and dispositions. His work across industries includes advising clients in the areas of asset management, banking, insurance, oil and gas, digital platforms, life sciences and consumer products. Prior to joining the firm, Nicholas spent more than six years in public accounting, working in both Chicago and London.

### Experience

#### Oil and Gas

- Advised a U.S. multinational on how to structure a cross border oil and gas venture, including addressing U.S. trade or business and effectively connected income issues, U.S. agency principles, subpart F issues, and title passage.

#### Digital Companies

- Advised a digital platform company on its cross-border structure in connection with its launch of its U.S. platform, including addressing permanent establishment and U.S. trade or business considerations and transfer pricing issues.

#### Asset Management

- Created and implemented protocols for traders of a non-U.S. hedge fund with respect to publicly traded partnerships and derivatives written over U.S. equities.
- Designed and implemented structures for a non-U.S. alternative lending fund with respect to lending and aircraft leasing in the United States.
- Advised an investment fund on its disposals of deeply distressed debt instruments, including the proper tax accounting treatment and method.

#### Financing

- Created tax-efficient investment strategy for a non-U.S. investor investing in a U.S. broker-dealer.

### **Restructuring**

- Created restructuring and entity simplification plan for a U.S. multinational with respect to its non-U.S. holdings in China, Mexico and the Netherlands.
- Advised U.S. multinational on how to integrate a non-U.S. acquired business into its operating model and how to restructure its acquisition indebtedness.

### **International Tax Planning**

- Advised U.S. multinational on restructuring considerations with respect to GILTI.
- Advised U.S. multinational on functions and services qualifying for FDII.
- Designed and implemented the transfer of IP by a U.S. multinational to a foreign subsidiary.
- Advising a U.S. aerospace company with respect to IP licensing and how to structure licensing agreements with a foreign licensee to achieve a foreign-derived intangible income deduction.
- Advising a foreign-based manufacturer on the disposal of its U.S. real property interests, including issues arising under the Foreign Investment in Real Property Tax Act.

### **Tax Controversy**

- Representing a foreign-based manufacturing company in connection with IRS proposed transfer pricing adjustments with respect to certain intercompany debt.
- Representing a U.S. multinational corporation in connection with an IRS controversy related to what constitutes a cash equivalent asset under Section 965.
- Successfully resolved an IRS controversy related to a U.S. multinational's acquisition costs.

### **Memberships**

- American Bar Association: Tax Section

# BakerHostetler

Keith R. Murphy

**Partner**

**New York**

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## Overview

Keith Murphy is a client-focused partner concentrating in corporate reorganization, bankruptcy, litigation, fiduciary representations and creditors' rights, including representations of creditors in the aerospace industry. Keith also has significant experience representing trustees in brokerage house liquidation proceedings commenced by the Securities Investor Protection Corporation, and representing court-appointed receivers in investment fraud proceedings initiated by the Securities and Exchange Commission (SEC) and the Commodities Futures Trading Commission (CFTC). Keith's representation of clients across other industries, including manufacturing, retail, aerospace, steel and health care, provide him with the background and experience needed to address complex commercial and litigation issues.

## Experience

- A lead attorney on the global team representing the SIPA Trustee for the liquidation of Bernard L. Madoff Investment Securities LLC and the consolidated estate of Bernard L. Madoff in connection with Madoff's multi-billion dollar Ponzi scheme. Working with the litigation and investigation teams, Keith is pursuing hundreds of avoidance actions seeking to recover assets from banks, feeder funds and others for the benefit of defrauded customers and the estate. In connection with his role, he has been involved in the litigation and outcome leading to many reported decisions, including:

- *Fox v. Picard (In re Bernard L. Madoff)*, 848 F. Supp. 2d 469 (S.D.N.Y. 2012)
- *Picard v. Picower*, Adv. Pro. No. 09-1197, ECF No. 43 (Bankr. S.D.N.Y. Jan. 13, 2011)
- *Picard v. Fox*, 429 B.R. 423 (Bankr. S.D.N.Y. 2010)

Obtained approval of a \$7.2 Billion settlement with the estate of Jeffrey Picower and the issuance of a permanent injunction by the Bankruptcy Court in connection therewith. On appeal, the District Court affirmed the approval of the settlement. The District Court also affirmed the finding that certain creditors' lawsuits were duplicative and derivative and therefore void, and affirmed the issuance of the permanent injunction. The matter is on appeal and fully argued before the Second Circuit Court of Appeals.

• *Lautenberg Found. v. Picard (In re Bernard L. Madoff Inv. Secs., LLC)*, No. 11-5421, 2013 WL 616269 (2d Cir. Feb. 20, 2013)

- *In re Bernard L. Madoff Inv. Securities, LLC*, No. 11-CV-2135, 2011 WL 7981599 (S.D.N.Y. Dec. 05, 2011)
- *Picard v. Stahl*, 443 B.R. 295 (Bankr. S.D.N.Y. 2011)

Successfully thwarted third-party actions against Madoff family defendants which threatened to interfere with the SIPA Trustee's litigation and recovery efforts. Following litigation, the Trustee obtained extension of the automatic stay to third party actions and issuance and affirmance of preliminary injunctions from the Bankruptcy Court and District Court. In 2013, the Second Circuit Court of Appeals issued a summary order affirming the Bankruptcy Court's ruling in favor of the Trustee under section 105(a) of the Bankruptcy Code.

- *Picard v. Maxam Absolute Return Fund, L.P.*, 474 B.R. 76 (S.D.N.Y. 2012)
- *Picard v. Maxam Absolute Return Fund, L.P.*, 460 B.R. 106 (Bankr. S.D.N.Y. 2011)

Successfully defended against an action filed against the Trustee in the Cayman Islands by obtaining rulings affirming the extraterritorial reach of the automatic stay and obtaining an injunction against the moving parties from the Bankruptcy Court, which was affirmed by the District Court. Prior to a decision by the Second Circuit Court of Appeals, the Trustee obtained a settlement of his litigation for \$97.8 Million.

## Additional Experience

- Represented a Chapter 11 debtor of a building product manufacturing corporation in its successful reorganization.
- Represented lessors and secured creditors in the Avianca, Varig and TWA airline bankruptcy cases.
- Represented the CFTC receiver for IATrading.com Inc. involving the liquidation of a fraudulent investment adviser.
- Represented the SEC receiver for Northshore Asset Management LLC involving the liquidation of a failed investment group and funds due to fraud.
- Represented the SEC receiver for Sagam Corp. involving the liquidation of a fraudulent investment adviser.
- Represented the bank agent for the lender group in Opal Concepts Inc.
- Represented the Chapter 11 debtors in the Integrated Health Services Inc. and Caldor Corp. bankruptcy cases.

## Recognitions and Memberships

### Recognitions

- New York Metro "Super Lawyer" (2013 to 2017)

### Memberships

- American Bankruptcy Institute
- American Bar Association
- New York State Bar Association
- St. John's University School of Law Alumni Association

### News

- 12/28/2016  
150 BakerHostetler Attorneys Named 2016 Super Lawyers; 91 Named Rising Stars
- 10/29/2015  
160 BakerHostetler Attorneys Named 2015 Super Lawyers; 112 Named Rising Stars
- 12/22/2014  
*Bloomberg's* article "Madoff Victims to Get \$322 Million in Trustee Payout" acknowledges BakerHostetler attorneys at announcement of fifth distribution plans
- 11/18/2014  
*Reuters* reports on further BakerHostetler success reaching settlements boosting total recovery of funds stolen by Madoff to nearly \$10.5 billion
- 11/17/2014  
CNBC reports on BakerHostetler and the Madoff Recovery Initiative in article Madoff Recoveries Top \$10 Billion With New Settlement, "... an amount virtually no one thought possible"
- 11/17/2014  
*The Associated Press* reports on BakerHostetler and the Madoff Recovery Initiative recoveries of \$10.5 billion
- 5/5/2014  
BakerHostetler talks with *USA Today* about the SIPA Trustee's fourth pro rata interim distribution; states Madoff Recovery Initiative nears \$6 billion in distributions to allowed claimants
- 1/7/2014  
BakerHostetler's settlement with JPMorgan Chase and the ongoing Madoff Recovery Initiative Discussed on National Public Radio's *All Things Considered*
- 2/15/2013  
BakerHostetler appears on NPR's *All Things Considered* to discuss Madoff Recovery Initiative; host Robert Siegel interviews SIPA Trustee Irving Picard and his Chief Counsel David Sheehan
- 2/12/2013  
Madoff Recovery Initiative surpasses \$5 billion in distributions to allowed claimants; CNBC's Scott Cohn discusses latest recovery with BakerHostetler's SIPA Trustee Irving Picard and his Chief Counsel David Sheehan

- 12/10/2012  
Madoff Recovery Initiative Marks Fourth Anniversary ... Moves into Fifth Year Still Building Recovery Momentum
- 9/21/2012  
BakerHostetler's work recovering more than half of the losses in the Madoff Ponzi scheme featured on WNYC in interview on *The Brian Lehrer Show*
- 9/20/2012  
Press Release: Second Interim Distribution of Recovered Funds to Madoff Claim Holders
- 6/25/2012  
Press Release: United States Supreme Court Denies Certiorari, Upholding Net Equity Decision in BLMIS Liquidation
- 1/5/2012  
*The Wall Street Journal* showcases BakerHostetler and the "unprecedented magnitude" of the global recovery efforts in article "The Madoff Liquidation, Three Years Later"
- 10/4/2011  
Press Release: Initial Interim Distribution of Recovered Funds to Madoff Claims Holders
- 12/17/2010  
*The New York Times* reports on BakerHostetler's negotiation and settlement with the Picower Estate for \$5 billion in the SIPA liquidation of Bernard L. Madoff Investment Securities LLC

## Pro Bono

- Successfully represented a school child with behavioral issues in a case seeking funding for specialized school tuition.

## Services

- Bankruptcy, Restructuring and Creditors' Rights
- Securities and Governance Litigation

## Prior Positions

- Kaye Scholer LLP: Bankruptcy Department
- Winick & Rich, P.C.: Bankruptcy Department
- Clerk for the Honorable Stephen D. Gerling, Chief Judge for the United States Bankruptcy Court, Northern District of New York

## Admissions

- U.S. Court of Appeals, Second Circuit
- U.S. District Court, Southern District of New York
- U.S. District Court, Eastern District of New York
- U.S. District Court, Northern District of New York
- New York
- New Jersey

## Education

- J.D., St. John's University School of Law, 1996, Editor, *American Bankruptcy Institute Law Review*
- B.A., State University of New York at Albany, 1991

## **Silas T. Nunes**

E-Discovery Consultant

Litigation Technology Consultant

Project Manager

## **BAKER HOSTETLER LLP**

- MAY 2010 – PRESENT

### **BAKER HOSTETLER LLP**

Litigation Technology Consultant

Project Manager

- MARCH 2007 - APRIL 2010

### **BROWN MCCARROLL LLP**

Director of Practice Support

- OCTOBER 2005 - MARCH 2007

### **JACKSON WALKER LLP**

Director of Litigation Technology

- APRIL 1997 - SEPTEMBER 2005

### **BAKER HOSTETLER LLP**

Litigation Technology Consultant

UNIVERSITY OF HOUSTON SYSTEM - Masters of Business Administration (2008)

UNIVERSITY OF TEXAS AT ARLINGTON - Bachelor's Degree of Science (1994)

Certified E-Discovery Specialist (ACEDS)



# BakerHostetler

Jimmy D. Parrish

## Partner

### Orlando

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## Overview

"[Jimmy Parrish] is hailed by sources as an 'excellent and pragmatic bankruptcy lawyer,' and further highlighted for his negotiation skill and courtroom advocacy."

— Chambers USA 2015

Jimmy Parrish practices in the Bankruptcy, Restructuring and Creditors' Rights team and has extensive experience in a broad range of insolvency and business bankruptcy matters. Jimmy is board certified in business bankruptcy by the American Board of Certification and has represented corporate debtors, committees, trustees, secured lenders and other creditors in virtually every industry, including agriculture, airline, energy, healthcare, manufacturing, communications, real estate and hospitality.

## Experience

- Serves as debtor's counsel to Black Elk Energy Offshore Operations, LLC, in its chapter 11 bankruptcy, currently pending in the United States Bankruptcy Court for the Southern District of Texas Houston Division.
- Serves as debtor's counsel to American Eagle Energy Corporation in its chapter 11 bankruptcy, currently pending in the United States Bankruptcy Court for the District of Colorado.
- Served as debtor's counsel in the successful reorganization of Southern Building Products, Inc., a national manufacturer of roof and floor trusses, based in West Palm Beach, Florida.
- Served as debtor's counsel in the successful asset sale and liquidation of Emerge Interactive, Inc., a national technology and manufacturing company based in Sebastian, Florida. The asset sale and liquidation plan resulted in a dividend to unsecured creditors of more than 70 percent of their alleged claims.
- Served as debtor's counsel in the successful reorganization of Planet Hollywood International, Inc., a global chain of theme restaurants and retail stores based in Orlando, Florida.
- Served as counsel to the chapter 11 trustee appointed in the bankruptcy case of World Vision Entertainment, Inc., to recover funds for victims of a \$64 million Ponzi scheme.
- Served as debtor's counsel in the successful reorganization of Clarklift of Orlando, Inc., a compact equipment retailer with dealerships across Florida.
- Served as debtor's counsel for Designer's Choice Cabinetry, Inc., a national cabinet manufacturer based in Rockledge, Florida.
- Advised multiple clients on creditor claims against insolvent and troubled oil and gas companies.

## Recognitions and Memberships

### Recognitions

- Chambers USA: Bankruptcy and Restructuring in Florida (2013 to 2019)
  - Band 3 (2015 to 2019), Band 4 (2014)
- *The Best Lawyers in America*® (2014 to present)
  - Florida: Bankruptcy and Creditor Debtor Rights / Insolvency and Reorganization Law

- *Florida Trend* Legal Elite
- Florida Super Lawyers (2015 to 2019)
  - Florida Super Lawyers "Rising Star" (2009 to 2014)

## Memberships

- American Bankruptcy Institute
- Central Florida Bankruptcy Law Association
- American Board of Certification: Board of Directors

## News

- 1/17/2019  
Liz Green, Team Earn "Deal of Year" Honors for Alliance Medical Holdings Sale
- 8/15/2018  
193 BakerHostetler Attorneys Named in 2019 Best Lawyers List; 10 Recognized "Lawyer of the Year"
- 8/15/2017  
190 BakerHostetler Attorneys Named in 2018 Best Lawyers List; 18 Recognized "Lawyer of the Year"
- 12/28/2016  
150 BakerHostetler Attorneys Named 2016 Super Lawyers; 91 Named Rising Stars
- 10/29/2015  
160 BakerHostetler Attorneys Named 2015 Super Lawyers; 112 Named Rising Stars

## Press Releases

- 4/29/2019  
Chambers and Partners USA Honors 127 Attorneys and 43 Practice Areas in 2019 Guide
- 5/3/2018  
*Chambers and Partners USA* Honors 118 Attorneys and 45 Practice Areas in 2018 Guide

## Community

- Central Florida Credit Abuse Resistance Education (C.A.R.E.) Program

## Services

- Bankruptcy, Restructuring and Creditors' Rights

## Industries

- Energy Industry

## Prior Positions

- Judicial Law Clerk for the Honorable Arthur B. Briskman, United States Bankruptcy Judge for the Middle District of Florida

## Admissions

- U.S. Court of Appeals, Eleventh Circuit, 2006
- Board Certified in Business Bankruptcy by the American Board of Certification, 2009
- U.S. District Court, Northern District of Florida, 2002
- U.S. District Court, Southern District of Florida, 2002
- U.S. District Court, Middle District of Florida, 2001
- U.S. District Court, Southern District of Texas
- Florida, 2001
- Alabama, 2000

## Education

- J.D., The University of Alabama School of Law, 2000
- B.A., The University of Alabama, 1997

# Stacey M. Patrick

Staff Attorney

## Cleveland

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spatrick@bakerlaw.com



### Prior Positions

- Ohio Innocence Project: Fellow (2009 to 2010, 2011 to 2012)
- Domestic Violence and Civil Protection Order Clinic: Legal Intern
- Law Clerk for the Previous Administrative Judge Thomas Lipps at the Hamilton County Juvenile Court

### Admissions

- U.S. District Court, Southern District of Ohio
- Ohio

### Education

- J.D., University of Cincinnati College of Law, *cum laude*; *Immigration and Nationality Law Review*, Editorial Board
- B.A., Xavier University, *summa cum laude*

Stacey Patrick is a member of the BakerHostetler team serving as court-appointed counsel to the Securities Investor Protection Act (SIPA) Trustee for the liquidation of Bernard L. Madoff Investment Securities LLC (BLMIS), an unprecedented recovery effort involving hundreds of actions.

During law school, Stacey was on the editorial board of the *Immigration and Nationality Law Review*.

### Experience

- Working on cases in active discovery and document review to prepare evidence supporting the SIPA Trustee's claims against defendants, and is also working to respond to document requests from defendants.

### Memberships

- American Bar Association
- Ohio State Bar Association
- Cincinnati Bar Association

### Pro Bono

- Stacey has volunteered with the Legal Aid Society of Columbus' wills clinic through which she worked with the elderly and nursing homes to write wills for individuals unable to afford lawyers.

# BakerHostetler

Tiffany Payne Geyer

## Partner

### Orlando

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## Overview

"Tiffany Payne exhibits 'a really great capacity to get to the bottom line and foster resolutions.' Commentators also praise her 'excellent writing skills.'"

— Chambers USA 2015

Tiffany Payne Geyer practices primarily in the areas of bankruptcy and creditors' rights. She has represented both corporate and individual debtors in Chapter 11 cases, and individuals in Chapter 7 cases. Her clients include healthcare businesses and medical professionals, investment bankers and financial advisors. She has also represented clients in the hospitality sectors, and has assisted in representing debtors in the energy sectors. Tiffany has negotiated multiple settlements of guarantor liability and has experience with assignments for the benefit of creditors. Tiffany has also represented secured creditors, unsecured creditors, landlords and panel trustees.

## Experience

- Defeated two count complaint against Paramount Disaster Recovery, LLC, by condominium association seeking a declaratory judgment that the association's assignment of an insurance claim to Paramount was invalid. *In re Chadham by the Sea Homeowner's Association, Inc.*, Case No. 6:17-bk-00520-KSJ; Adv. Pro. 6:17-ap-00029-KSJ.
- Represented the law firm of Eagan Avenatti, LLP, after an involuntary Chapter 11 case was commenced against the firm, advising the debtor in consenting to petition, defeating motion for relief from stay to proceed with arbitration brought against debtor by former law partners, and successfully defending against attack on the debtor's ability to conduct business in the ordinary course as class action counsel, enabling the debtor to achieve a \$454 million jury verdict. *In re Eagan Avenatti, LLP*, Case No. 6:17-bk-01329-KSJ.
- Successfully confirmed a Chapter 11 reorganization plan for a provider of behavioral health services after resolving multimillion-dollar False Claims Act liability with the Medicaid Fraud Control Unit ("MFCU") of the Office of Attorney General, obtaining MFCU's vote in favor of plan confirmation. *In re Behavioral Support Services*, Case No. 6:15-bk-04855-KSJ.
- Represented an unsecured creditor in obtaining dismissal of an individual Chapter 11 case. *In re Walden*, Case No. 6:16-bk-06346-CJJ.
- Represented a landlord in obtaining dismissal of a corporate Chapter 11 case. *In re Devroc Homes, Inc.*, 6:12-bk-01359-KSJ.
- Represented a secured creditor in a single asset real estate (SARE) case to achieve relief from stay causing dismissal of a corporate Chapter 11 case and a one year injunction against re-filing. *In re Daytona Ocean Sands, LLC*, 6:11-bk-13651-KSJ.
- Quickly negotiated favorable resolution of three sanctions motions involving six years of protracted litigation, multiple adversary proceedings, and appeals in a corporate Chapter 7 case. *In re C.D. Jones & Company, Inc.*, Case No. 3:09-31595-LMK; Adv. Pro. No. 3:11-ap-03045-KKS; Adv. Pro. No. 3:15-03002-KKS; Adv. Pro. No. 3:15-03007-KKS.
- Drafted, litigated and prevailed on motion for stay pending appeal resulting in stay of district court order reversing bankruptcy court order confirming the Chapter 11 plan of skilled nursing facility ("SNF") during pendency of SNF's appeal to the Eleventh Circuit. *In re Bayou Shores, SNF, LLC*; 2015 WL 6502704; 8:14-bk-9521-MGW, 8:14-cv-02816-T-30, 8:14-cv-02617-T-30, 8:15-cv-00103-T-30, 8:15-cv-00128-T-30 .

- Drafted successful objections to administrative claims of working interest owners, resulting in the disallowance of multiple multimillion-dollar administrative claims, assisting debtor in obtaining the confirmation of the Chapter 11 plan. *In re Black Elk Energy Offshore Operations, LLC*, Case No. 15-34287.
- Confirmed "dirt for debt" Chapter 11 reorganization plan in a husband and wife joint Chapter 11 case, obtaining full discharge of pre-petition district court judgment against the debtors on personal guaranties and the release of garnishments after drafting and filing motion for relief from judgment in district court. *In re Parker*, Case No. 6:13-bk-11798-CCJ ; Case No. 6:12-cv-539-Orl-37.
- Served as Chapter 7 debtor's counsel for investment bankers and financial advisors in individual Chapter 7 cases, obtaining discharge of FINRA arbitration awards.
- Served as Chapter 7 debtor's counsel for a cosmetic surgeon, obtaining discharge and settlement of wrongful death claims.
- Drafted a successful motion for stay pending appeal, resulting in the stay of a New York statute and order directing closure of reorganized, substantively consolidated, Chapter 11 nursing home debtors. *In re Legacy Healthcare, LLC*, Case No. 1-05-11270-MJK; *Legacy Healthcare, LLC, et al., vs. The State of New York, et al.*, 09-cv-1103.
- Drafted an appellate brief obtaining Eleventh Circuit's reversal of a district court order. *Bond Safeguard v. Ward*, Case No. 11-12646-AA (11th Cir. 2012).
- Assisted lead counsel in obtaining confirmation of Chapter 11 plans reorganizing more than \$200 million in debt for two timeshare developers. *Island One Resorts, Inc., et al.* Lead Case No. 6:10-bk-16177-KSJ; *Tempus Resorts International LTD., et al.*, Lead Case No. 6:10-bk-20709-KSJ.

## Recognitions and Memberships

### Recognitions

- Chambers USA: Bankruptcy/Restructuring in Florida (2014 to 2019)
  - Band 5 (2017 to 2019), Up & Coming (2014 to 2016)

### Memberships

- Central Florida Bankruptcy Law Association (CFBLA)
- Federal Bar Association
- American Bar Association
- International Women's Insolvency & Restructuring Confederation (IWIRC)

### News

- 1/17/2019  
Liz Green, Team Earn "Deal of Year" Honors for Alliance Medical Holdings Sale

### Press Releases

- 4/29/2019  
Chambers and Partners USA Honors 127 Attorneys and 43 Practice Areas in 2019 Guide
- 5/3/2018  
*Chambers and Partners USA Honors 118 Attorneys and 45 Practice Areas in 2018 Guide*

### Community

- Children's Home Society
  - Children's Home Society, Central Florida Division, Board Member of the Year (2017)
  - Children's Home Society, Central Florida Division: Special Events Committee Co-Chair (2017 to 2018)
  - 2018 Evening of Hope Gala: Vice-Chair. Benefitting The Faine House, a special project of Children's Home Society, the event raised more than \$350,000 and was attended by some 600 members of the Central Florida community.
  - 2019 Evening of Hope Gala: Lead Chair
  - Won third-place fundraising award for Run for Hope 5K benefitting The Faine House. (2017 and 2018)

- Board of Directors (2016 to 2019)
- March of Dimes Executive Team for Signature Chef Auction: Member (2018)
- Juvenile Diabetes Research Foundation: Gala Committee (2012 to 2015)
- Coordinated BakerHostetler fundraising efforts to deliver direct support to employees of the Pulse Nightclub following the 2016 shooting in Orlando.

## Services

- Bankruptcy, Restructuring and Creditors' Rights

## Admissions

- U.S. Court of Appeals, Eleventh Circuit, 2012
- U.S. District Court, Northern District of Florida, 2016
- U.S. District Court, Southern District of Florida, 2012
- U.S. District Court, Middle District of Florida, 2002
- Florida

## Education

- J.D., University of Florida Levin College of Law, 2000; Book Award for Legal Drafting; Member of Trial Competition Team
- B.A., Political Science and Public Administration, University of Central Florida, 1998, with honors

# Clair C. Pena

Associate

## Cleveland

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### Prior Positions

- Extern for the Honorable Mary H. Murguia, U.S. Court of Appeals for the Ninth Circuit (2013)

### Admissions

- U.S. District Court, Southern District of Ohio
- U.S. District Court, Northern District of Ohio
- U.S. District Court, District of Arizona
- Ohio
- Arizona
- New York

### Education

- J.D., Arizona State University Sandra Day O'Connor College of Law, 2015; *Arizona State Law Journal*, selected as Managing Editor; Order of the Coif; Sandra Day O'Connor Constitutional Law and Outstanding Graduate awards; *Arizona State Law Journal* Staff Writer of the Year Award; multiple CALI Awards
- B.A., Barnard College, Columbia University, 2009

Clair Pena's diverse legal knowledge and sharp attention to detail define her litigation practice. She has a history of helping clients reach favorable conclusions, including aiding in the representation of corporations in class actions and complex litigations, and providing advice on litigation risks related to potential breach of contract matters and commercial disputes. A well-rounded attorney whose skills span fields (she holds a certificate in Federal Indian Law), Clair is an informed and conscientious counsel.

### Experience

- Assisted in representing client in class actions and MDL in breach of warranty and related products liability claims.
- Assisted in representing client in class action for breach of contract claims and alleged violations of statutory obligations under laws relating to HOAs.
- Conducts domestic and international investigations relating to employment and other matters.
- Represented client in Ohio trial court and Court of Appeals relating to issue of first impression.
- Advises clients on litigation risks related to potential breaches of contract matters and general commercial disputes.
- Represented various clients in federal Indian courts for alleged violations of tribal laws.

### Community

- Volunteer for Native Vote, developed by the Indian Legal Program to prevent voter disenfranchisement. Also, worked with ILP on various federal policy issues.



# Francesca Perkins Austin

Associate

## Houston

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## Services

- Commercial Litigation
- Bankruptcy and Restructuring
- Securities and Governance Litigation
- Product Liability and Toxic Tort

## Prior Positions

- Law Clerk for the Honorable Andrew L. Carter for the Southern District of New York
- New York City Department of Education: Appeals Attorney
- Judicial Intern for the Honorable Ronald L. Ellis for the Southern District of New York

## Admissions

- U.S. District Court, Southern District of New York
- U.S. District Court, Eastern District of New York
- U.S. District Court, Western District of New York
- U.S. District Court, Southern District of Texas
- All U.S. Courts of Appeals
- New York
- Texas

## Education

- J.D., Fordham University School of Law, Dewey Ballantine Scholarship Recipient; Patricia M. Hynes Scholarship Recipient
- B.A., History, Carleton College, *cum laude*

Francesca Perkins Austin is a litigation associate who focuses her practice on civil litigation in state and federal courts. She has represented clients in complex business litigation involving business torts, breach of contract actions, and product liability lawsuits. Prior to joining BakerHostetler, Francesca clerked for the Honorable Andrew L. Carter, United States District Court for the Southern District of New York.

## Experience

- Serving as one of the attorneys for the Trustee for the liquidation of Bernard L. Madoff Securities LLC under the Securities Investor Protection Act (SIPA). Involved in litigation seeking worldwide asset recovery from hedge funds, funds of funds, investment banks, financial institutions, investment managers and others. This representation is ongoing.
- Defended a corporate housing provider in a multi-party action involving tortious interference of contract, misappropriation of trade secrets and alleged violations of the Texas Theft Liability Act.
- Defended a heavy-equipment manufacturer in a case including allegations of design, manufacturing and marketing defects associated with the manufacture of a skid-steer loader.

## Recognition

- New York Metro Super Lawyers "Rising Star" (2015 to 2017)
- Texas Bar Foundation Fellow

## Memberships

- Houston Black Lawyers: Co-Founder
- American Bar Association
  - Young Lawyers Women in the Profession Committee
- Houston Bar Association
  - Professionalism Committee
  - Houston Lawyer Editorial Board



- Houston Lawyers Association
- Houston Young Lawyers Association
- New York City Bar Association
- Council of Urban Professionals
- Metropolitan Black Bar Association
- Association of Black Women Attorneys

### **Community**

- Spouses of Houston Barristers
- Carleton College
  - Alumni Admissions Representative

### **Pro Bono**

- Represented a grandparent in a visitation matter in New York State Supreme Court. Matter was settled on terms favorable to client.
- Argued an appeal of a prior criminal conviction for negligent homicide and illegal gun possession before the New York Supreme Court Appellate Division, Second Judicial Department.

# Laura E. Peterson

Associate

## Denver

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## Services

- Securities Offerings and Compliance
- Bankruptcy and Restructuring
- Mergers and Acquisitions
- Corporate Governance

## Prior Positions

- American Eagle Energy Corporation: Corporate Attorney and Corporate Secretary
- Alternate Defense Counsel: Defense Investigator and Paralegal

## Admissions

- Colorado

## Education

- J.D., Seattle University School of Law, 2012, Washington State Law Scholar
- B.A., Theology, Seattle Pacific University, 2007

Laura Peterson's corporate practice covers mergers and acquisitions, bankruptcy, and general corporate governance and compliance matters. She has previous experience as in-house counsel for a small, publicly traded oil and gas company, where she handled general corporate governance, major asset sales and securities filings. This experience influences her client-focused approach and ability to understand client needs and concerns.

## Experience

- Acted as in-house counsel on a variety of compliance matters and Securities and Exchange Commission filings. Completed contract drafting and negotiating.
- As corporate secretary at an E&P company, managed general board matters, including board and committee meeting coordination, drafting of meeting minutes, and organization of the annual shareholders meeting.
- Handled bankruptcy filing for an E&P company. Managed an immense due diligence undertaking and provided attorneys with court-ready information, which involved organizing and compiling information about the company and its history.

## Memberships

- Colorado Bar Association
- Denver Bar Association

**TIMOTHY P. PETRE II**  
**BAKER & HOSTETLER, LLP**

**SUMMARY OF EXPERIENCE:**

May 2012 – Present

***Paralegal Manager***  
Baker & Hostetler LLP

March 2011 – May 2012

***Litigation Paralegal***  
Baker & Hostetler LLP

July 2008 – March 2011

***Litigation Case Manager -  
Intellectual Property, Antitrust,  
Class Action, Commercial Litigation,  
& Insurance Recovery***  
Howrey, LLP, Washington, D.C.

July 2005 - June 2008

***Senior Paralegal - Intellectual  
Property, Antitrust, Class Action,  
Commercial Litigation, & Insurance  
Recovery***  
Howrey, LLP, Washington, D.C.

July 2000 - June 2005

***Paralegal - Intellectual Property,  
Antitrust, Class Action, Commercial  
Litigation, & Insurance Recovery***  
Howrey, LLP, Washington, D.C.

- B.A. Criminal Justice, North Carolina Wesleyan College (2000).

**Michael Rawles**  
**BAKER & HOSTETLER LLP**

March 2007 – Present	<b>Baker &amp; Hostetler LLP</b> Paralegal
April 2002 – February 2007	<b>Jenkins &amp; Gilchrist, P.C.</b> Paralegal
May 1998 – April 2002	<b>Foley &amp; Lardner LLP</b> Paralegal
1984 – April 1998	<b>Shapiro, Rosenfeld &amp; Close</b> Paralegal
1983 – 1984	<b>LaFollette Johnson</b> Paralegal

University of California Los Angeles, Paralegal Certificate, October 1982

University of Southern California, Bachelor of Science Business Administration, January 1979

# Veronica Reynolds

Associate

## Los Angeles

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vreynolds@bakerlaw.com



### Prior Positions

- BakerHostetler: Summer Associate
- The Honorable R. Gary Klausner, U.S. District Court for the Central District of California: Judicial Extern
- Epitaph / ANTI-Records: Director of Digital Marketing

### Admissions

- California

### Education

- J.D., University of California, Los Angeles School of Law, 2019; Blockchain at UCLA, Co-Founder; Law and Blockchain Association, Co-Founder; Program for Understanding Law and Technology, Alumni Chair
- B.A., University of California, Berkeley, 2013

Veronica Reynolds's developing practice is supported by her previous work in a wide variety of industries. She has experience performing legal research and analysis related to trademark, data privacy, tax and employment matters. Additionally, Veronica has a particular interest in blockchain, and assisted in the launch of BakerHostetler's inaugural blockchain and emerging technologies summit at UCLA.

# BakerHostetler

David W. Rice

## Associate

### New York

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## Overview

David Rice utilizes his diverse professional background, including his experience in the private equity industry, while working on complex financial matters. David's strong work ethic and positive attitude enable him to develop effective strategies for clients.

## Experience

- Involved with a variety of investigatory and litigation matters in connection with BakerHostetler's role as court-appointed counsel to the Securities Investor Protection Act (SIPA) Trustee for the liquidation of Bernard L. Madoff Investment Securities LLC (BLMIS). Works on a broad array of active cases, addressing challenging issues across all phases of discovery. Drafts pleadings, organizes and manages multi-team projects, and researches cutting-edge issues to support the SIPA Trustee's recovery efforts.

## News

- 12/22/2014  
*Bloomberg's* article "Madoff Victims to Get \$322 Million in Trustee Payout" acknowledges BakerHostetler attorneys at announcement of fifth distribution plans
- 11/18/2014  
*Reuters* reports on further BakerHostetler success reaching settlements boosting total recovery of funds stolen by Madoff to nearly \$10.5 billion
- 11/17/2014  
CNBC reports on BakerHostetler and the Madoff Recovery Initiative in article Madoff Recoveries Top \$10 Billion With New Settlement, "... an amount virtually no one thought possible"
- 11/17/2014  
*The Associated Press* reports on BakerHostetler and the Madoff Recovery Initiative recoveries of \$10.5 billion
- 5/5/2014  
BakerHostetler talks with *USA Today* about the SIPA Trustee's fourth pro rata interim distribution; states Madoff Recovery Initiative nears \$6 billion in distributions to allowed claimants
- 1/7/2014  
BakerHostetler's settlement with JPMorgan Chase and the ongoing Madoff Recovery Initiative Discussed on National Public Radio's *All Things Considered*
- 2/15/2013  
BakerHostetler appears on NPR's *All Things Considered* to discuss Madoff Recovery Initiative; host Robert Siegel interviews SIPA Trustee Irving Picard and his Chief Counsel David Sheehan
- 2/12/2013  
Madoff Recovery Initiative surpasses \$5 billion in distributions to allowed claimants; CNBC's Scott Cohn discusses latest recovery with BakerHostetler's SIPA Trustee Irving Picard and his Chief Counsel David Sheehan
- 12/10/2012  
Madoff Recovery Initiative Marks Fourth Anniversary ... Moves into Fifth Year Still Building Recovery Momentum

- 9/21/2012  
BakerHostetler's work recovering more than half of the losses in the Madoff Ponzi scheme featured on WNYC in interview on *The Brian Lehrer Show*
- 9/20/2012  
Press Release: Second Interim Distribution of Recovered Funds to Madoff Claim Holders
- 6/25/2012  
Press Release: United States Supreme Court Denies Certiorari, Upholding Net Equity Decision in BLMIS Liquidation
- 1/5/2012  
*The Wall Street Journal* showcases BakerHostetler and the "unprecedented magnitude" of the global recovery efforts in article "The Madoff Liquidation, Three Years Later"
- 10/4/2011  
Press Release: Initial Interim Distribution of Recovered Funds to Madoff Claims Holders
- 12/17/2010  
*The New York Times* reports on BakerHostetler's negotiation and settlement with the Picower Estate for \$5 billion in the SIPA liquidation of Bernard L. Madoff Investment Securities LLC

## Prior Positions

- Honorable Paul G. Feinman, Supreme Court of the State of New York: Judicial Intern (Spring 2009); Graduate Fellow (Fall 2010)
- Karasyk & Moschella, LLP: Law Clerk (2009 to 2010)
- Kings County District Attorney's Office: Legal Intern, Orange Zone Trial Bureau (Summer 2008)
- Sidley Austin LLP: Legal Assistant, Capital Markets Group (2006 to 2007)
- Shott Capital Management, LLC: Private Equity Associate (2005 to 2006)
- Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.: Project Analyst (2003 to 2005)

## Admissions

- U.S. District Court, Southern District of New York
- New York

## Education

- J.D., Brooklyn Law School, 2010
- B.A., Boston College, 2003, *magna cum laude*

# David J. Richardson

Counsel

## Los Angeles

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### Services

- Bankruptcy, Restructuring and Creditors' Rights
- Commercial Litigation

### Admissions

- U.S. Court of Appeals, Ninth Circuit
- U.S. District Court, Central District of California
- U.S. District Court, Northern District of California
- U.S. District Court, Eastern District of California
- U.S. District Court, Southern District of California
- U.S. District Court, Western District of California
- California

### Education

- J.D., Stanford Law School, 1993
- B.A., (Hons.), Queen's University (Ontario, Canada), 1986

David Richardson is a member of the firm's national Litigation and Bankruptcy, Restructuring and Creditors' Rights teams. He has more than 25 years of experience in restructuring and commercial litigation, with a focus on complex litigation in bankruptcy cases, and actions against corporate insiders for prepetition or post-petition violations of fiduciary duties and related claims. He also has substantial experience with representation of committees of unsecured creditors, post-confirmation trusts, and chapter 11 debtors-in-possession, in industries as diverse as energy, telecommunications, art sales, transportation, and consumer products.

### Experience

- Litigating fraud and breach of fiduciary duty claims against a debtor's principal for actions that included the post-petition diversion of more than \$18 million of estate assets to a shell company created just prior to the petition date.
- Part of the litigation team in 10-year litigation for a large utility/telecommunications client that resulted in the only insolvent utility/telecommunications bankruptcy to return to solvency, with over \$100 million of litigation recoveries. The case involved three separate plaintiff's suits against directors, officers, an investment firm, and a major law firm; defense of multiple creditor claims; and resulted in an asset pool that paid unsecured creditors and preferred shareholders in full, and paid a distribution to common stockholders.
- Successfully reorganized six related real estate development entities with payment of all creditors in full, with interest.
- Represented committee of unsecured creditors in case regarding a bankruptcy court's authority to recharacterize a transaction, subsequently leading the Ninth Circuit Court of Appeals to reverse published case law related to the matter.
- Successfully voided a Cook Island trust on the grounds that it had been created to fraudulently shield assets from creditors.

### Memberships

- Financial Lawyers Conference



- Los Angeles Bankruptcy Forum

**Pro Bono**

- Served as general bankruptcy counsel for debtor, G.L.A.S.S. (Gay and Lesbian Adolescent Support Services).

# BakerHostetler

David B. Rivkin Jr.

## Partner

Washington, D.C.

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F +1.202.861.1783

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## Overview

David Rivkin is a member of the firm's litigation, international and environmental teams and is co-leader of the firm's national appellate practice. He has extensive experience in constitutional, administrative and international law litigation and has been involved in numerous high-profile cases. With his prior experience in the government sector, David draws on a wealth of knowledge when providing compliance advice to companies and handling enforcement proceedings before government agencies on issues arising out of multilateral and unilateral sanctions, the Foreign Corrupt Practices Act (FCPA), anti-boycott issues, bankruptcy and financial fraud matters, and environmental and energy issues.

David has developed and implemented legislative, regulatory and litigation initiatives for two presidential administrations. Over the years, he has published hundreds of articles, op-eds, book reviews and book chapters on a variety of international, legal, constitutional, defense, arms control, foreign policy, environmental and energy issues for various newspapers and magazines, including *The Wall Street Journal*, *The Washington Post*, *The New York Times*, *USA Today* and *The Los Angeles Times*, and has been a frequent commentator and guest on TV and radio shows including ABC, CBS, NBC, CNN, Fox News, NPR and PBS.

## Experience

- David is the lead counsel for the 28 states that have challenged the constitutionality of the EPA's Clean Power Plan and has been representing them in this matter in the DC circuit and the Supreme Court.
- David is the lead counsel in the Section 1983 Civil Rights Action case brought against several Wisconsin state government officials who were alleged to have initiated a sprawling John Doe investigation directed solely at conservative and right-of-center policy advocacy groups in the state.
- As part of BakerHostetler's role as court-appointed counsel to the Securities Investor Protection Act (SIPA) Trustee for the liquidation of Bernard L. Madoff Investment Securities LLC, David is responsible for the appellate litigation in more than half a dozen Second Circuit and Supreme Court cases.
- David is a lead lawyer on a team that represents a former London-based JPM managing director whose cooperation was sought in the investigation related to a multibillion-dollar trading loss for the bank. Through aggressive defense of the former managing director and utilizing skills honed during involvement in investigating complex financial frauds, David and the team secured a rare non-prosecution agreement with the Justice Department and agreements with other regulatory authorities, which enabled the client to cooperate with federal prosecutors in the continuing investigations.
- Through arguments before the district courts, Fourth Circuit and Seventh Circuit Courts of Appeals, David successfully defended several Bivens actions brought against former Secretary of Defense Donald H. Rumsfeld.
- With considerable experience in litigation involving national security-related matters, David represented Senators McCain, Graham and Ayotte in the Second Circuit case, *Hedges*, which entailed a challenge to the constitutionality of the military detention-related provisions contained in the National Defense Authorization Act.
- When 26 states challenged the constitutionality of Medicare revisions under the Patient Protection and Affordable Care Act and argued that an individual mandate was beyond the powers granted to Congress under the Commerce Clause and the Necessary and Proper Clause, David represented the states and was lead outside counsel in the District Court and Court of Appeals. The United States District Court for the Northern District of Florida ruled in favor of the states at the case's outset, with David handling both the briefing and oral arguments. The government

appealed the case to the Eleventh Circuit, where David continued his involvement and the original decision was affirmed.

- David represented the Republic of Croatia before the International Criminal Tribunal for the Former Yugoslavia and the International Court of Justice for a number of years on a wide range of issues involving international humanitarian law and the laws of war. He was Croatia's lead lawyer in both venues and handled numerous rounds of briefings and oral arguments.
- David has represented corporations in alien tort statute and civil RICO litigation, as well as in challenges to federal agency actions and constitutional challenges to state statutes. He also represented the State of Texas in the U.S. Court of Appeals, D.C. Circuit, during a challenge to several of the EPA's rules that sought to regulate greenhouse gases under the Clean Air Act.
- David handled the development and implementation of President George H.W. Bush's deregulatory initiatives, which entailed the review of all existing federal regulatory strictures and the application of a more rigorous, cost-effective standard to new regulations. His substantive areas of responsibility included international sanctions, energy, environment and tax issues.
- David played a leading role in the development of FERC Order 636, which introduced major changes to the regulation of the interstate natural gas pipelines, and simultaneously served as the Special Assistant for Domestic Policy to then Vice President Dan Quayle.

## Recognitions and Memberships

### Recognitions

- Burton Award for Legal Achievement (2011)
- U.S. Naval Proceedings Annual Alfred Thayer Mahan Award for best maritime affairs article (1984)
- Washington, D.C. "Super Lawyer" (2007 to 2008, 2014 to 2019)

### Memberships

- Phi Alpha Theta (1981)

### News

- 3/22/2018  
David Rivkin Talks to "New York Times" about Environmental Lawsuits
- 1/2/2018  
David Rivkin Comments on EPA Chief's Actions Since Appointment
- 11/28/2017  
David Rivkin Comments on Role of Title VII in Employment Discrimination Cases
- 10/16/2017  
David Rivkin a Speaker at Association of Corporate Counsel Annual Meeting
- 8/28/2017  
Scott McIntyre, David Rivkin Speaking at Sixth Circuit Practice Institute in Cincinnati
- 12/28/2016  
150 BakerHostetler Attorneys Named 2016 Super Lawyers; 91 Named Rising Stars
- 10/29/2015  
160 BakerHostetler Attorneys Named 2015 Super Lawyers; 112 Named Rising Stars
- 12/22/2014  
*Bloomberg's* article "Madoff Victims to Get \$322 Million in Trustee Payout" acknowledges BakerHostetler attorneys at announcement of fifth distribution plans
- 5/5/2014  
BakerHostetler talks with *USA Today* about the SIPA Trustee's fourth pro rata interim distribution; states Madoff Recovery Initiative nears \$6 billion in distributions to allowed claimants

- 1/13/2014  
Law360 article on SCOTUS Request for DOJ Opinion on SIPA Trustee's Petition for Writ of Certiorari names BakerHostetler attorneys
- 1/7/2014  
BakerHostetler's settlement with JPMorgan Chase and the ongoing Madoff Recovery Initiative Discussed on National Public Radio's *All Things Considered*
- 2/15/2013  
BakerHostetler appears on NPR's *All Things Considered* to discuss Madoff Recovery Initiative; host Robert Siegel interviews SIPA Trustee Irving Picard and his Chief Counsel David Sheehan
- 2/12/2013  
Madoff Recovery Initiative surpasses \$5 billion in distributions to allowed claimants; CNBC's Scott Cohn discusses latest recovery with BakerHostetler's SIPA Trustee Irving Picard and his Chief Counsel David Sheehan
- 12/10/2012  
Madoff Recovery Initiative Marks Fourth Anniversary ... Moves into Fifth Year Still Building Recovery Momentum

## Articles

- 9/4/2018  
David Rivkin, Andrew Grossman Author Column on Duty of Supreme Court Nominees to Refuse to Provide a Preview of Opinions
- 4/25/2018  
David Rivkin, Andrew Grossman Author Commentary on Legitimacy of SEC's Administrative Law Judges
- 2/22/2018  
David Rivkin, Andrew Grossman Article Argues Against Political Advocacy Funded by Mandatory Union Fees
- 11/24/2014  
*The Wall Street Journal* Article Authored by Rivkin and Foley Discusses Obama's Immigration Policy
- 7/30/2014  
*The Wall Street Journal* Publishes "The Case for Suing the President" by Rivkin and Foley
- 7/25/2014  
David Rivkin and Elizabeth Foley Co-Author Article Opposing Supreme Court Decision to Uphold Affordable Care Act Provision
- 1/15/2014  
Rivkin and Foley Author Article on President Obama Working Around Congress

## Services

- Appellate and Major Motions
- Environmental
- Media Law and Digital Content

## Prior Positions

- United Nations Subcommission, Promotion and Protection of Human Rights: expert member, part-time (2004 to 2007)
- Hunton & Williams: Partner (1993 to December 1999)
- Federal Government (1987 to 1993)
  - White House: Associate Executive Director and General Counsel of the President's Council on Competitiveness
  - U.S. Department of Energy: Associate General Counsel
  - Responsible for international, constitutional, environmental, and energy matters, including global climate change problems, natural gas, hydro and electricity issues, development and implementation of the Natural Energy Strategy, implementation of the Clean Air Act Amendments of 1990, wetlands policy and related issues, development of RCRA and Clean Water Act legislative proposals, and deregulation of energy markets.
  - Played a significant role in development of Reagan and H.W. Bush Administration regulatory and legislative proposals affecting natural gas and electric utility industries.
  - White House Counsel's Office, Associate White House Counsel
  - Office of the Vice President: Legal Advisor to the Counsel to the Vice President
  - Department of Justice, Office of Policy Development: Deputy Director  
Responsible for variety of constitutional, domestic and international issues, including judicial selection, legal policy, immigration, and asylum matters and intelligence oversight.

- Baker & McKenzie: Associate (1985 to 1987)
- Defense and foreign policy analyst: focusing on Soviet affairs, arms control, naval strategy, and NATO-related issues. Defense consultant to numerous government agencies and Washington think tanks (1977 to 1985).

## Admissions

- U.S. Supreme Court, 2004
- U.S. Tax Court, 1986
- U.S. Court of Appeals, Second Circuit, 2013
- U.S. Court of Appeals, Ninth Circuit, 2013
- U.S. Court of Appeals, Tenth Circuit, 2012
- U.S. Court of Appeals, Eleventh Circuit, 2011
- U.S. Court of Appeals, Fifth Circuit, 2009
- U.S. Court of Appeals, Seventh Circuit, 2006
- U.S. Court of Appeals, District of Columbia Circuit, 2006
- U.S. Court of Appeals, Fourth Circuit, 2002
- U.S. District Court, Eastern District of Wisconsin, 2014
- U.S. District Court, Northern District of Florida, 2010
- U.S. District Court, District of South Carolina, 2010
- District of Columbia

## Education

- J.D., Columbia University School of Law, 1985
- M.A., Georgetown University, 1984, Soviet Affairs, with high honors
- B.S.F.S., Georgetown University, 1980

# BakerHostetler

Jorian L. Rose

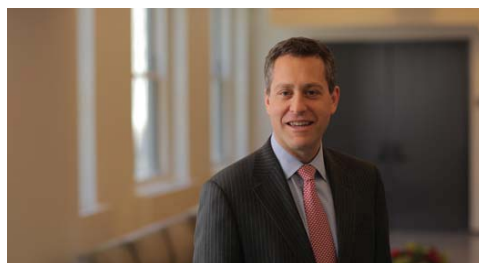
**Partner**

**New York**

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## Overview

Jorian Rose represents clients including debtors, borrowers, creditors, investors, sellers, purchasers and others in all stages of complex restructuring transactions, such as in-court and out-of-court reorganizations, debt restructurings, acquisitions and divestitures. With wide-ranging experience representing clients in distressed and non-distressed transactions, he focuses on advising businesses and their stakeholders undergoing transformation. Jorian draws on extensive commercial experience to provide clients with a unique perspective.

Jorian has played a leading role in a number of significant restructuring transactions and related commercial litigations.

## Experience

- *In re Bernard L. Madoff Investment Securities LLC*: Representing Irving H. Picard, Trustee for the Securities Investor Protection Act (SIPA) liquidation of Bernard L. Madoff Investment Securities LLC.
- *In re Firestar Diamond, Inc., et al.*: Representing the Examiner in investigating the role of U.S. affiliates in the largest bank fraud alleged in the history of the Republic of India.
- *In re Samuels Jewelers, Inc.*: Representing the Examiner in investigating the role of U.S. affiliate in the largest bank fraud alleged in the history of the Republic of India.
- *In re American Eagle Energy*: Represented an oil and gas exploration and production company in connection with chapter 11 cases.
- *In re Black Elk Energy Offshore Operations, LLC*: Represented an oil and gas exploration and production company in connection with its chapter 11 case.
- *In re Dakota Plains Holdings, Inc., et al.*: Represented transportation companies and service providers to oil and gas exploration and production companies in connection with their chapter 11 cases.
- *NSB Holdings*: Represented a registered investment advisor in connection with structuring its chapter 11 sale.
- Board representations: Represented independent boards of directors and board members in connection with restructuring and sale transactions as well as related litigations.
- Represented numerous hedge funds and financial sponsors in connection with distressed companies, trade claims and complex financial instruments.
- *In re ContiFinancial*: Represented an originator, securitizer, and servicer of subprime mortgage loans in its \$2 billion chapter 11 cases.
- *In re Kmart*: Represented the large retailer in its wind down.
- *In re PSINet*: Represented a \$4 billion international telecommunications debtor in its chapter 11 proceedings, including international sale of business and the winding down of its remaining businesses.
- *In re BearingPoint*: Represented the acquirer of a portion of a more than \$1 billion revenue national consulting business in chapter 11 matter.
- *In re Erickson Retirement*: Represented an acquirer of a large national senior living management company and developer in chapter 11 matter.
- *In re Glasstech Holdings*: Represented the creditors' committee for a solar, automotive, and architectural glass manufacturer.
- *In re Global Crossing*: Represented a creditors' committee member for a multibillion-dollar international telecommunications provider.

- *In re Reise Restaurant*: Represented the creditors' committee for an owner and operator of a chain of restaurants in the New York metropolitan area.
- *In re Workflow Management*: Represented the creditors' committee for a \$600 million revenue printer.
- *Sun Healthcare & Integrated Healthcare Services*: Represented a debtor-in-possession lender for two of the largest healthcare provider chapter 11 cases.
- *In re Autotech*: Represented a chapter 7 trustee during an investigation of complex financial fraud.

## Recognitions and Memberships

### Recognitions

- Chambers USA: Bankruptcy/Restructuring in New York (2019)
  - Recognized Practitioner (2019)
- New York Metro "Super Lawyer" (2011 to 2018)

### Memberships

- American Bankruptcy Institute

### News

- 3/21/2019  
Elizabeth Green, Jorian Rose Speakers at Southeastern Bankruptcy Law Seminar
- 2/22/2019  
John Carney Issues Examiner Report Finding Substantial Evidence of Fraud, International Money Laundering Connected to Diamond Bank Fraud Scheme
- 1/17/2019  
Liz Green, Team Earn "Deal of Year" Honors for Alliance Medical Holdings Sale
- 11/29/2017  
Jorian Rose Comments on Restructuring Activity in Healthcare Industry
- 12/28/2016  
150 BakerHostetler Attorneys Named 2016 Super Lawyers; 91 Named Rising Stars
- 5/2/2016  
Hedge Fund Team Hosts Former SEC Commissioner Troy Paredes in a Series of Regulatory Summit Discussions
- 10/29/2015  
160 BakerHostetler Attorneys Named 2015 Super Lawyers; 112 Named Rising Stars
- 12/22/2014  
*Bloomberg's* article "Madoff Victims to Get \$322 Million in Trustee Payout" acknowledges BakerHostetler attorneys at announcement of fifth distribution plans
- 11/18/2014  
*Reuters* reports on further BakerHostetler success reaching settlements boosting total recovery of funds stolen by Madoff to nearly \$10.5 billion
- 11/17/2014  
*The Associated Press* reports on BakerHostetler and the Madoff Recovery Initiative recoveries of \$10.5 billion
- 11/17/2014  
CNBC reports on BakerHostetler and the Madoff Recovery Initiative in article Madoff Recoveries Top \$10 Billion With New Settlement, "... an amount virtually no one thought possible"
- 5/5/2014  
BakerHostetler talks with *USA Today* about the SIPA Trustee's fourth pro rata interim distribution; states Madoff Recovery Initiative nears \$6 billion in distributions to allowed claimants
- 1/7/2014  
BakerHostetler's settlement with JPMorgan Chase and the ongoing Madoff Recovery Initiative Discussed on National Public Radio's *All Things Considered*

- 2/15/2013  
BakerHostetler appears on NPR's *All Things Considered* to discuss Madoff Recovery Initiative; host Robert Siegel interviews SIPA Trustee Irving Picard and his Chief Counsel David Sheehan
- 2/12/2013  
Madoff Recovery Initiative surpasses \$5 billion in distributions to allowed claimants; CNBC's Scott Cohn discusses latest recovery with BakerHostetler's SIPA Trustee Irving Picard and his Chief Counsel David Sheehan
- 12/10/2012  
Madoff Recovery Initiative Marks Fourth Anniversary ... Moves into Fifth Year Still Building Recovery Momentum
- 9/21/2012  
BakerHostetler's work recovering more than half of the losses in the Madoff Ponzi scheme featured on WNYC in interview on *The Brian Lehrer Show*
- 9/20/2012  
Press Release: Second Interim Distribution of Recovered Funds to Madoff Claim Holders
- 8/22/2012  
Law360 article on Bankruptcy Court approval of \$2.4 Billion Distribution Recognizes BakerHostetler Attorneys
- 6/25/2012  
Press Release: United States Supreme Court Denies Certiorari, Upholding Net Equity Decision in BLMIS Liquidation
- 1/5/2012  
*The Wall Street Journal* showcases BakerHostetler and the "unprecedented magnitude" of the global recovery efforts in article "The Madoff Liquidation, Three Years Later"
- 10/4/2011  
Press Release: Initial Interim Distribution of Recovered Funds to Madoff Claims Holders

## Press Releases

- 4/29/2019  
Chambers and Partners USA Honors 127 Attorneys and 43 Practice Areas in 2019 Guide

## Alerts

- 3/27/2019  
Financial Services 2018 Year-End Report
- 4/16/2018  
Financial Services 2017 Year-End Report

## Services

- Bankruptcy, Restructuring and Creditors' Rights
- Debt Finance
- Mergers and Acquisitions
- Private Equity and Venture Capital
- Project Development and Finance

## Industries

- Financial Services Industry
- Hospitality Industry

## Prior Positions

- Macquarie Capital (USA) Inc., Managing Director
- Giuliani Capital Advisors LLC (acquired by Macquarie Capital (USA) Inc.), General Counsel and Managing Director
- Law Clerk for the Honorable Burton R. Lifland, Former Chief Judge of the United States Bankruptcy Court for the Southern District of New York and the Second Circuit Bankruptcy Appellate Panel

## Admissions

- U.S. Supreme Court
- U.S. District Court, Southern District of New York



- U.S. District Court, Eastern District of New York
- New York

## Education

- J.D., St. John's University School of Law, 1997, *American Bankruptcy Institute Law Review*, Associate Managing Editor
- B.A., Hobart College, 1992

# BakerHostetler

Michael A. Sabella

## Associate

### New York

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## Overview

Michael Sabella focuses his practice on the areas of bankruptcy, restructuring, creditors' rights and complex commercial litigation. Drawing upon his clerkship and prior legal experience, Michael combines his understanding of the transactional and litigation sides of bankruptcy for a thorough and proactive approach to all client situations. He assists debtors, creditors and interested parties in a variety of industries on all aspects of representation on bankruptcy issues, including claims recovery, secured transactions, real estate, international insolvency, and corporate insolvencies. Michael also represents corporate officers and directors in litigation that challenges their actions and roles in connection with the management and operations of businesses. Michael has spoken and written about a wide range of bankruptcy issues, including case-specific appellate decisions, preference issues and interpretations of components of the Bankruptcy Code.

Michael also devotes time to assist pro bono clients with LGBTQ+ issues, asylum applications, post-conviction relief, and amicus briefs for different human rights and interest groups.

## Experience

- Member of the BakerHostetler team serving as court-appointed counsel to the Securities Investor Protection Act (SIPA) Trustee for the liquidation of Bernard L. Madoff Investment Securities LLC (BLMIS), an unprecedented effort involving more than 1,000 lawsuits filed by the SIPA Trustee to recover assets for the benefit of defrauded BLMIS customers.
- Represented a chapter 7 bankruptcy trustee in the liquidation of a multimillion-dollar real property lease and the administration and operation of a golf course on Long Island. Handled every aspect of the case, including the sale of assets of the estate, extensive claim litigation against unsecured and alleged secured creditors, numerous court appearances before the Bankruptcy Court and appellate litigation before the district court.
- Represented a chapter 7 bankruptcy trustee in the liquidation of several parcels of real property. Handled every aspect of the case, including the sale of properties, claims litigation against alleged secured and unsecured creditors, and the contested election of the chapter 7 trustee.
- Represented a chapter 7 trustee in litigation against a former principal of debtor seeking to recover fraudulent conveyances made by principal and breach of principal's fiduciary duty to debtor.
- Defended a landlord who owned multiple residential buildings against a class action litigation related to wage and hour violations for building managers and janitorial staff. Successfully negotiated settlement of the class action.

## Recognitions and Memberships

### Recognitions

- Chambers USA Diversity and Inclusion Awards: Future Leader - LGBTQ+ Equality (2019)
- The National LGBT Bar Association: "Best LGBTQ+ Lawyers Under 40" (2019)
- New York Super Lawyers "Rising Star" (2015 to 2018)

### Memberships

- American Bar Association

- Business Law Section
  - Lawyers with Disabilities Involvement subcommittee: Vice-Chair; Incoming Chair
- Business Bankruptcy Committee
- Business Law Fellows Program (2017 to 2019)
- Business Bankruptcy Committee eNewsletter: Co-Editor-in-Chief
- New York City Bar Association
  - Lesbian, Gay, Bisexual and Transgender Rights Committee: Member
  - Association Leadership Institute: Member
- The National LGBT Bar Association
- LAMBDA Legal
  - Young Leadership Council: Member
- OutNEXT
  - OutNEXT Leadership Committee
- American Bankruptcy Institute
- St. John's University School of Law's American Bankruptcy Institute Law Review Alumni Association: Member
- Turnaround Management Association
- Deaf and Hard of Hearing Bar Association

## News

- 5/3/2019  
Eight BakerHostetler Attorneys Shortlisted for the Chambers Diversity and Inclusion Awards 2019
- 4/9/2019  
Michael Sabella Speaks at Hofstra University School of Law Class
- 4/9/2019  
Michael Sabella Speaks at St. John's University School of Law
- 4/1/2019  
Michael Sabella Leads Two Sessions at ABA Business Law Section Spring Meeting
- 3/11/2019  
Michael Sabella Receives 'Best LGBTQ+ Lawyers Under 40' Award
- 12/12/2018  
Michael Sabella Joins Webinar on New Value Preference Defense
- 12/10/2018  
Michael Sabella Joins Webinar Panel Discussion of Notable Appellate Bankruptcy Decisions
- 11/6/2018  
Ted Jacobs, Michael Sabella Join Out Leadership for Nasdaq Opening Bell Ceremony
- 9/28/2018  
Michael Sabella a Speaker at ABA Business Section Annual Meeting
- 9/28/2018  
Anat Maytal, Michael Sabella Prepare Presentation on Attorneys with Disabilities
- 8/22/2018  
Michael Sabella Featured in ABA Q&A about Attorneys with Disabilities
- 8/21/2018  
Anat Maytal, Michael Sabella Featured in Law360 Report on Attorneys with Disabilities
- 8/6/2018  
Michael Sabella Speaking on Bankruptcy Panel at ABA Business Law Section Annual Meeting
- 8/11/2017  
Michael Sabella Joins New York City Bar Association LGBT Rights Committee
- 8/11/2017  
Michael Sabella Accepted into ABA Business Law Fellows Program

## Alerts

- 3/7/2018  
2017 Year-End Securities Litigation and Enforcement Highlights
- 7/28/2017  
2017 Mid-Year Securities Litigation and Enforcement Highlights

## Articles

- 2/21/2019  
Michael Sabella Authors Article on New Value Defense for ABA Newsletter

## Pro Bono

- Assisted in drafting an *amicus* brief on behalf of the Human Rights Campaign and leading child welfare associations in favor of the rights of transgender students for the U.S. Supreme Court case of *Gloucester County School Board. v. G.G.*
- Works with the Transgender Legal Defense & Education Fund (TLDEF) on the Name Change Project to assist transgender individuals in changing their names to reflect their gender identity.
- Represents an Alabama death row inmate referred through the Equal Justice Initiative, a nonprofit organization that provides legal representation to indigent defendants and prisoners who have been denied fair and just treatment in the legal system.
- Works with Safe Passage representing immigrant children in New York seeking asylum or Special Immigrant Juvenile Status.
- Works with Immigration Equality, helping lesbian, gay, bisexual, transgender and HIV-positive individuals gain asylum in the United States.
- Served as special assistant corporation counsel for the Law Department of the City of New York in 2017. Conducted and defended numerous depositions on behalf of the city of New York in various tort lawsuits.
- Assisted the American Constitution Society in various research and policy-related matters.
- Aided low-income individuals through New Orleans Legal Assistance with the preparation of their bankruptcy petitions.
- Represented small investors through St. John's University School of Law Securities Arbitration Clinic in disputes against their broker-dealers. Filed claims with the National Association of Securities Dealers, analyzed account statements to determine the validity of causes and actions, selected arbitrators, and participated in arbitrations.
- Represented elderly individuals through the St. John's University School of Law Elder Law Clinic. Interviewed clients and witnesses, negotiated with attorneys and debt collectors, and prepared court documents and correspondence to opposing counsel and organizations.

## Services

- Bankruptcy, Restructuring and Creditors' Rights
- Securities and Governance Litigation

## Prior Positions

- Law Clerk for the Honorable Dorothy T. Eisenberg, U.S. Bankruptcy Judge for the Eastern District of New York (2008 to 2012)

## Admissions

- U.S. Court of Appeals, Fourth Circuit
- U.S. District Court, Eastern District of New York
- U.S. District Court, Southern District of New York
- New York
- New Jersey

## Education

- LL.M., Bankruptcy, St. John's University School of Law, 2009
- J.D., St. John's University School of Law, 2007; Associate Managing Editor, *American Bankruptcy Institute Law Review*
- B.A., Muhlenberg College, 2004, *magna cum laude*

# BakerHostetler

Eric E. Sagerman

## Partner

### Los Angeles

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esagerman@bakerlaw.com



## Overview

Eric Sagerman is the managing partner of BakerHostetler's Los Angeles office, and a member of the firm's national Bankruptcy, Restructuring and Creditors' Rights team. Eric is known for representing creditors' committees, debtors and other constituents in large, corporate chapter 11 bankruptcy proceedings, distressed capital raising, restructurings and workouts, and general company and creditor matters. He is active in complex national matters involving banking and financial services, telecommunications, fiduciary litigation, transportation, manufacturing and consumer products.

Eric has spoken on issues of interest in insolvency and restructuring law. He is the co-author of the treatise *Creditors' Rights in Bankruptcy* (2nd Ed.), an editorial board member of the Bankruptcy Strategist and the author of numerous articles.

## Experience

- Represented Official Committee of Unsecured Creditors in matter concerning the meltdown of the telecommunications industry, which was featured on the news program *60 Minutes*.
- Represented Official Committee of Unsecured Creditors in matter concerning the subprime housing crisis in 2007 to 2008, which was featured on the news program *Dateline NBC*.
- Represented chapter 11 trustee of government-subsidized company in litigation over anticompetitive conduct in the solar cell manufacturing market that drove the company out of business.
- Represented well-known Beverly Hills bank holding company in negotiation of chapter 11 plan of dissolution.
- Represented the agent for lenders in a syndicated credit facility in the workout of \$1 billion in financial accommodation to oil and gas exploration and production company in chapter 11 proceedings.

## Recognitions and Memberships

### Recognitions

- Chambers Global: Bankruptcy/Restructuring in California (USA) (2017)
- Chambers USA: Bankruptcy/Restructuring in California (2017 to 2019)
  - Band 2 (2017 to 2019)
- *The Best Lawyers in America* (2008 to 2019)
- Southern California Super Lawyer (2006 to 2019)
- *The Los Angeles Daily Journal*, "Rainmaker"
- *San Francisco Daily Journal*, "Rainmaker"

### Memberships

- American Bar Association
- American Bankruptcy Institute
- Los Angeles County Bar Association
- The Financial Lawyers Conference
- Los Angeles Bankruptcy Forum

## News

- 1/23/2019  
New Partners Featured in Commercial Dispute Resolution Article
- 1/10/2019  
Paul Schmidt, Eric Sagerman Discuss Plans for Firm Growth in California
- 1/3/2019  
News about Eric Sagerman Joining BakerHostetler as Managing Partner in Los Angeles

## Press Releases

- 4/29/2019  
Chambers and Partners USA Honors 127 Attorneys and 43 Practice Areas in 2019 Guide
- 1/2/2019  
BakerHostetler Adds Local Veteran Lawyer as New Office Managing Partner to Expand West Coast Presence

## Community

- Learning Rights Law Center
  - Board of Directors (2017 to present)
  - Pro Bono Legal Counsel (2016 to present)
- Los Angeles Regional Food Bank: Volunteer (2014 to present)

## Pro Bono

- Leadership and Pro Bono Award (2017)
- Pro Bono Commitment to Service Award (2016)

## Services

- Bankruptcy, Restructuring and Creditors' Rights
- Mergers and Acquisitions

## Industries

- Financial Services Industry
- Energy Industry

## Prior Positions

- Am Law 30 law firm (1991 to 2018)
  - Executive Committee
  - Managing Partner, Los Angeles
  - Chair, National Restructuring Group
  - Compensation Committee

## Admissions

- U.S. District Court, Central District of California
- U.S. District Court, Eastern District of California
- U.S. District Court, Northern District of California
- U.S. District Court, Southern District of California
- California

## Education

- J.D., University of California, Los Angeles School of Law, 1991
- B.A., University of California, Santa Barbara, 1988, *summa cum laude*
- G.C., London School of Economics, 1987, List of Highly Commended Exam Performances

# Jenna N. Scott

Associate

## Los Angeles

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### Prior Positions

- Law Clerk for Holocaust Services Program (2015)

### Admissions

- California

### Education

- J.D., University of California, Los Angeles, 2017; *Women's Law Journal*, Managing Editor
- B.A., University of Michigan, with high distinction, 2014

Jenna Scott provides regulatory and operational guidance to hospitals and medical staffs, including peer review, regulatory investigations and licensing. She has also assisted on variety of litigation matters, including representing a large hospital system. Jenna works diligently and listens to client needs in order to provide clients with the highest quality work product and advocacy possible.

### Experience

- Provided counsel with crucial research and support in areas of healthcare operations, healthcare litigation, environmental litigation, general litigation and intellectual property law.
- Advised hospital medical staffs regarding peer review procedures and related mandatory reporting to federal and state agencies.
- Counseled hospitals on physician credentialing related to appointment and reappointment, as well as clinical privileges.
- Assisted hospital in preparing a Plan of Correction in response to federal and state agency investigations.
- Advocated on behalf of Holocaust survivors by conducting research and assisting with applications for reparations programs.



# Michael J. Semes

Of Counsel

## Philadelphia

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### Services

- State and Local Tax

### Prior Positions

- Villanova University Charles Widger School of Law and Graduate Tax Program: Professor of Practice (Present)
- Ernst & Young, National Tax Department: Principal
- PricewaterhouseCoopers: Partner
- Pennsylvania Department of Revenue: Chief Counsel

### Admissions

- Pennsylvania
- Delaware

### Education

- J.D., Villanova University School of Law, 1990
- M.F.A., Carnegie Mellon University, 1981
- B.M., Duquesne University, 1979, summa cum laude

Michael Semes works closely with clients to resolve their complex tax issues. Drawing from his experiences as a senior government tax official and as a partner in multinational professional services firms, he has a thorough understanding of the nuances of tax law, policy and procedure. Michael has collaborated with a diverse array of clients in nearly every state and has represented clients in tax controversies in many state forums. From a sector perspective, he has deep experience working with companies on both the regulated and non-regulated sides of the energy industry.

Michael collaborates with his colleagues and clients to apply his knowledge and unique experiences in innovative ways to help clients exceed their goals.

### Experience

- Served as Chief Counsel of the Pennsylvania Department of Revenue under Governor Tom Ridge.
- Drafted significant tax legislation and regulations.
- Assists Fortune 500 clients in resolving significant state and local tax issues.
- Negotiated hundreds of settlements and letter rulings in multiple states, and argued numerous cases before administrative and judicial bodies.
- Led a team of attorneys and professionals that delivered tax solutions to some of the world's largest power producers, regulated energy delivery companies and water utilities.
- Reported tax decisions in MI, PA, and NJ with outcomes that were favorable to the clients.
- Represented Pennsylvania utility in Public Utility Realty Tax Act dispute regarding the definition of "cost" in which the Pennsylvania Supreme Court awarded the taxpayer a \$55.7 million refund.
- Represented Pennsylvania bank in matter involving the calculation of the surviving bank's Bank Shares Tax base following its acquisition of another bank. The Commonwealth Court held in favor of the bank that the statute violated the Uniformity Clause.
- Represented privately held oil and gas company at the Michigan Tax Tribunal in challenging the Department's assessment of Michigan



Business Tax (MBT). The Tribunal ruled that the client was permitted to deduct its depletion allowance from its MBT income, which eliminated the Department's assessment and granted client a refund.

- Represented out-of-state software licensor in a dispute over whether the licensor was subject to New Jersey Corporate Business Tax (CBT). The New Jersey Tax Court held that because New Jersey sales tax law defined canned software to be tangible personal property that Public Law 86-272 (15 U.S.C. § 381) precluded the Division of Taxation from subjecting the licensor to CBT.

### **Recognition**

- Registered Lobbyist, Pennsylvania

### **Memberships**

- Philadelphia Bar Association
  - State and Local Tax Subcommittee: Chair
- WorldTrade Executive: Former Board Member
- Former Pennsylvania Governor Ed Rendell, Tax Transition Team
- Former Philadelphia Mayor Michael Nutter, Tax Advisory Council

### **Community**

- Settlement Music School: Board Member (2016 to Present)
- Astral Artists: Board Member (2014 to 2016)

# Amani Shalodi

Staff Attorney

## Cleveland

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## Admissions

- Ohio

## Education

- J.D., Cleveland-Marshall College of Law, *magna cum laude*; *Journal of Law & Health*, Executive Editor; ABA-BNA Award for Excellence in the Study of Labor & Employment Law; CALI Excellence for the Future Awards
- B.S., Ohio University

Driven by a desire to surpass her clients' goals, Amani Shalodi is committed to her developing litigation practice. Her tenacity and focus find plenty of use as a member of the BakerHostetler team representing Trustee Irving H. Picard for the SIPA liquidation of Bernard L. Madoff Investment Securities LLC, an unprecedented recovery effort that involves hundreds of actions.

## Memberships

- Ohio Bar Association

# Jordan A. Sinclair

Associate

## Houston

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## Services

- Commercial Litigation

## Industries

- Energy Industry

## Admissions

- U.S. District Court, Southern District of Texas
- U.S. District Court, Eastern District of Texas
- Texas

## Education

- J.D., The University of Texas School of Law, 2011
- B.A., History, The University of Texas at Austin, 2008

Jordan Sinclair focuses her practice on complex commercial litigation. Ambitious and dedicated to her clients, she approaches each case with a detail-oriented eye.

## Experience

- Involved in representing Irving H. Picard, Securities Investor Protection Act (SIPA) Trustee for the liquidation of Bernard L. Madoff Investment Securities LLC, in connection with BakerHostetler's role as court-appointed counsel.
- Assisted in the representation of an energy company after the injury of a third-party contractor. Was responsible for a complex briefing related to jurisdictional challenges, discovery and document management.
- Assisted in the representation of an industrial manufacturer in a suit based on an alleged chemical release. Played an integral role in discovery, as well as litigation and trial preparations.

## Memberships

- Houston Bar Association
- Houston Young Lawyers Association

## Community

- Texas Exes, The University of Texas Alumni Association

# Jeffrey A. Slavin

Associate

## New York

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jslavin@bakerlaw.com



## Prior Positions

- The Honorable Stefan R. Underhill, U.S. District Court: Legal Intern (2012)

## Admissions

- New York
- Connecticut
- New Jersey
- Pennsylvania

## Education

- J.D., Villanova University School of Law, 2011; *Sports and Entertainment Law Journal*, Business Editor; Jewish Law Student Society
- B.A., Franklin & Marshall College, 2007

Jeffrey Slavin's transactions practice reflects his comprehensive approach to serving clients' needs. He has advised private companies, private equity funds and investors on mergers and acquisitions, joint ventures, minority and cross-border investments, financings and spin-off transactions. Jeffrey has also drafted a wide range of commercial agreements and corporate governance documents, including limited liability operating agreements, employment agreements, resolutions, and other corporate documents for family business and private companies.

Amiable and results-oriented, Jeffrey is committed to pursuing favorable outcomes for his clients.

## Experience

- Participated in the corporate reorganization of one of the largest privately held retail franchises in the world.
- Drafted and negotiated asset and stock purchase agreements, assignment and assumption agreements, merger agreements, stockholder agreements and note purchase agreements.
- Advises issuers in connection with private placements of securities. Drafted and negotiated private placement memorandums, subscription agreements, prospectuses and related blue-sky documents.

## Memberships

- American Bar Association
- Connecticut Bar Association
- New York Bar Association

# Zoe Steinberg

Associate

## Los Angeles

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### Prior Positions

- Post-Conviction Justice Project: Certified Student Attorney (2016 to 2017)
- U.S. White House: Advance Team Staff Member (2014)
- U.S. Rep. Ted Deutch, 22nd District of Florida: Congressional Intern (2012)

### Admissions

- California

### Education

- J.D., University of Southern California Gould School of Law, 2018; Hale Moot Court Honors Program, Chair; New York City Bar Association National Moot Court Competition Finalist; 2017 USC Moot Court Oral Advocacy Runner-Up
- B.A., University of Southern California, 2014, *magna cum laude*

Zoe Steinberg's developing law practice reflects her dedication to providing clients with high-quality work product and advocacy. A collaborative and creative problem-solver, she plays an important role in working with fellow team members to meet clients' needs.

# Lauren T. Stuy

Associate

## Cleveland

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lstuy@bakerlaw.com

### Prior Positions

- The Honorable Karen Nelson Moore, U.S. Court of Appeals for the Sixth Circuit: Extern
- BakerHostetler: Summer Associate
- Cleveland Clinic Innovations: Extern

### Admissions

- [Ohio Bar admission pending]

### Education

- J.D., Case Western Reserve University School of Law, 2019, *summa cum laude*; Order of the Coif; *Case Western Reserve Law Review*, Executive Contributing Editor; ICC Moot Court Team; Society of Benchers 2019 Award Winner
- B.A., Xavier University, 2008, *magna cum laude*

### Languages

- Spanish

Lauren Stuy's interest in litigation drives her developing practice. She has experience assisting with labor and employment matters, including conducting research, comparing relevant state and federal laws, and drafting memoranda. Lauren also has experience working with venture capital funds and startup companies, participating in board meetings and offering potential strategies for transactions.

*\*Ohio Bar admission pending*

**Karen R. Sweet**  
**BAKER & HOSTETLER, LLP**

**EMPLOYMENT:**

2007-Present	Baker & Hostetler, LLP, Houston, Texas Paralegal
2003-2007	Johnson & Spalding, LLP, Houston, Texas Paralegal
2001-2002	MHMRA of Harris County, Texas Children's counselor
2000-2001	University of St. Thomas, Houston, Texas Student, Master's Program
1997-2000	Baker & Hostetler, LLP, Houston, Texas Paralegal
1986-1997	Holtzman & Urquhart, P.C., Houston, Texas Paralegal

**EDUCATION:**

December 2001	M.Ed., St. Thomas University, Houston, Texas
May 1986	Southwestern Paralegal Institute, Houston, Texas
1981-1983	B.A., University of Missouri, Columbia, Missouri
1979-1981	A.A., Rock Valley Community College, Rockford, Illinois

# Emily B. Thomas

Counsel

## Houston

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## Philadelphia

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### Services

- Commercial Litigation
- Construction
- Environmental

### Industries

- Energy Industry
- Shale
- Hospitality Industry

### Prior Positions

- Reed Smith: Associate (2012 to 2014)
- Fulbright & Jaworski (2011 to 2012)
- K&L Gates LLP (2006 to 2011)

### Admissions

- U.S. District Court, Middle District of Pennsylvania
- U.S. District Court, Western District of Pennsylvania
- U.S. District Court, District of Utah
- U.S. District Court, District of Colorado
- Utah
- Pennsylvania
- Colorado
- Texas

### Education

- J.D., University of Pittsburgh School of Law, 2006; *magna cum laude*; *University of Pittsburgh Law Review*, Editor-in-Chief; Order of the Coif; Donald I. Moritz Honor Scholarship; CALI Awards: Legal Process, Estates and Trusts, Cyberspace and the Law
- A.B., English Major, Chinese Minor, Duke University, 2001; Dean's List; Study Abroad Programs: Capitol Normal University, Beijing, China and Nanjing University, Nanjing, China

### Languages

- Mandarin Chinese

A complex commercial litigator in the energy industry, Emily Thomas has extensive experience in trial and case management in both arbitration and traditional court trials. She has also assisted numerous energy and construction clients in successful resolution of litigation through mediation. Additionally, Emily has experience in transactional work for energy clients. Her practice has a project-based energy concentration, focusing on her assistance and dedication to the entirety of her clients' projects related to oil and gas production and distribution, which includes litigation, investigations, negotiations, transactions and community involvement. Emily also assists clients in emergency response after catastrophic events, including prevention as well as response in the event of an emergency. Expanding beyond a simple partnership, she considers her relationship with clients to be that of a team that focuses on quality work and results.

### Experience

- On behalf of an oil and gas operator, assisted in obtaining a first-of-its-kind mandatory injunction under the Energy Policy Act of 2005, directing the Bureau of Land Management immediately to approve ten applications for permit to drill (APD) or provide substantial evidence supporting the decision to delay. *EnerVest Ltd v. Jewell*, No. 16-cv-1256-DBP (Memorandum Decision and Order December 30, 2016). As a result, the ten APDs were approved in time for the operator not to lose a four-month drilling window in Utah.
- Assisting independent oil and gas producer acting as a defendant-intervenor in ongoing federal litigation over the use of hydraulic fracturing in offshore drilling of the Pacific Outer Continental Shelf, in which the Bureau of Ocean Energy Management and Bureau of Safety and Environmental Enforcement are named defendants.
- Represents hospitality and vacation holiday corporation clients in federal and state litigation regarding contractual issues, regulatory compliance, and Fair Debt Collection Practices complaints. Also provides guidance on contractual matters, including dispute resolution, contract drafting and related transactional issues.
- Assisted an oil and gas operator acting as a defendant-intervenor in litigation, which was raised by an environmental group to challenge numerous Bureau of Land Management Resource Management Plans



in Utah.

- Served as co-counsel for a natural gas producer related to a contract dispute with investing partners, including state, federal district court and bankruptcy court proceedings in Pennsylvania and Texas.
- Represented leading midstream and utility company in Pennsylvania state court and in negotiations with Pennsylvania Public Utility Commission in dispute with landowner over pipeline and tariff issues, including Public Utility Commission jurisdictional issues. Received a litigation award from the client in recognition of the successful results for this matter.
- Represents leading renewable energy construction company in every stage of construction contracts (Including both Engineering, Procurement and Construction (EPC), and Balance of Plants (BOP)) and related supply agreements, including: disputes related to supply agreements and construction contracts terms; sub-contractor disputes; liens for non-payment; and land use issues, rights of way, easements and other landowner concerns. This assistance included a survey of over 40 states' laws on various relevant land use regulations and contractual requirements.
- Represents oil and gas companies in negotiations with the Bureau of Land Management over leasing, unitization, communitization, and permitting issues.
- Advises natural gas producers and midstream companies on the preparation of related agreements, including offtake agreements and negotiations with utility companies, as well as land use issues, rights of way, easements and other landowner concerns.
- Advises oil and gas producers on the procurement of oil and gas rights and the preparation of related agreements.
- Served as co-counsel for a prominent natural gas midstream company in administrative hearings as well as in litigation alleging tortious interference with contract and defamation related to the development and installation of a natural gas pipeline.
- Assisted in the defense of an oil and gas client in a multiplaintiff litigation alleging personal injury and water contamination from drilling activities.
- Represented oil and gas companies in broad permitting, regulatory compliance and environmental issues related to oil and gas production and distribution.
- Served as co-counsel for a leading equipment breakdown reinsurer in a multimillion-dollar reinsurance dispute regarding complicated chemical, fire and explosion issues, which was resolved to a decision in ARIAS reinsurance arbitration.
- Assisted multiple policyholders in litigation related to insurance coverage for a broad variety of claims including property damage, environmental liabilities and energy production-related accidents.
- Defended a wood treatment facility against Environmental Protection Agency and Department of Justice allegations of Resource Conservation and Recovery Act violations, including representation as counsel in successful federal mediation proceedings.

- Assisted in the defense of a complex federal public services corruption jury trial against the United States government, including related United States Third Circuit Court of Appeals proceedings.
- Assisted in the project development of a wind farm, including the resolution of a contract dispute related to internationally procured, damaged equipment.
- Served as lead counsel defending a leading renewable energy construction company in a construction dispute in Pennsylvania federal court.

### **Recognition**

- Pennsylvania Super Lawyers “Rising Star” (2014 to 2019)

### **Memberships**

- Women’s Energy Network
  - 2015 Biennial Conference
  - Speaker Chair
- Women’s Energy Network, Greater Pittsburgh Chapter
  - President (2017)
  - Vice President (2016)
  - Chair of Corporate Sponsorship Committee (2015)
  - Director of Communications (2013 to 2014)
- Allegheny County Bar Association
- Court of Common Pleas Allegheny County: Civil Division Arbitrator
- Energy & Mineral Law Foundation
- Environmental Law Institute
- Marcellus Shale Coalition
  - Water Sourcing Subcommittee
  - Gas Use Subcommittee
- Young Professionals in Energy

### **Community**

- Chi Omega Alumnae Association
- Duke University Alumni Association

### **Pro Bono**

- Advises the Women’s Energy Network on multiple legal issues.
- Provides indigent clients with insurance advice.

- Assists on copyright issues with Volunteer Lawyers for the Arts.

# Ashley L. Thompson

Associate

## Costa Mesa

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althompson@bakerlaw.com



### Services

- Private Wealth Planning
- Tax Controversy and Litigation
- Tax-Exempt Organizations and Charitable Giving

### Prior Positions

- University of Denver Graduate Tax Program: Adjunct Professor (2014 to 2017)
- Law Clerk to The Honorable Thomas F. Mulvahill, Twentieth Judicial District (2011 to 2012)

### Admissions

- U.S. Tax Court
- U.S. District Court, District of Colorado
- U.S. Court of Federal Claims
- California
- Colorado

### Education

- LL.M., Taxation, University of Denver, 2013
- J.D., University of Denver Sturm College of Law, 2011, Merit Scholarship
- B.A., English, University of Colorado, 2008
- B.S.B.A., Accounting, University of Colorado, 2008

Ashley Thompson focuses her practice on tax and estate tax planning for high net-worth individuals. She designs and implements comprehensive estate plans and business succession techniques, while minimizing estate, gift and income tax consequences. Clients value Ashley's ability to break down complicated tax issues into manageable and understandable concepts.

Ashley is recognized as a Southern California Super Lawyer "Rising Star" in Estate Planning and Probate (2019). Ashley was also recognized as a Colorado Super Lawyer "Rising Star" in tax and estate planning (2017 and 2018), and was an adjunct professor at the University of Denver Graduate Tax Program.

### Experience

- Represented high net-worth individuals and families and advised them in their estate planning, business succession planning and charitable giving.
- Provided advice regarding trust design and implementation.
- Utilized trusts, including gift trusts and irrevocable trusts, to maximize transfer tax planning.
- Advised a partnership between trusts and entities on current and liquidating distributions of marketable securities and the exceptions to recognition of tax.
- Applied for a private letter ruling from the IRS.
- Instructed a client on the viability of a partnership merger where assets included real estate and marketable securities.
- Analyzed the attribution rules to effectuate a corporate redemption of the shares of stock in an estate administration.
- Drafted operating agreements and advised on income tax and transfer tax provisions.
- Provided advice about estate tax, gift tax, generation-skipping transfer tax and income tax.
- Applied for and obtained tax-exempt rulings for private foundations and public charities, including a non-functionally integrated Type III supporting organization.

- Represent clients in IRS audits and U.S. Tax Court litigation for complex income, gift and estate tax matters.

### **Recognition**

- Southern California Super Lawyers “Rising Star” (2019)
- Colorado Super Lawyers “Rising Star” (2017 and 2018)

### **Memberships**

- Orange County Estate Planning Council
- Orange County Bar Association
- California Lawyers Association, Trusts and Estate Section
- Colorado Bar Association
- American Bar Association

### **Pro Bono**

- Tax law instructor for the Adopt-A-Base program through the American Bar Association. Taught tax law for the volunteers to prepare free tax returns for members of the Armed Forces.
- Assisted a veteran in an appeal to the U.S. Court of Veterans’ Claims for denial of benefits for service-connected injuries.

# Taylor M. Thompson

Associate

## Cleveland

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tathompson@bakerlaw.com



### Prior Positions

- Carroll County Prosecuting Attorney's Office: Intern (2018)
- National Republican Senatorial Committee: Legal Intern, Office of the General Counsel (2016)

### Admissions

- U.S. District Court, Northern District of Ohio
- Ohio

### Education

- J.D., Harvard Law School, 2018, *cum laude*; *Harvard Journal of Law & Public Policy*, Executive Editor
- B.A., Columbia University, 2014, *cum laude*

Taylor Thompson combines careful preparation and effective communication to solve problems for clients. He has been a part of teams representing companies and individuals in complex commercial disputes, environmental compliance and government investigations. Drawing on past experiences working for a national political party committee and a county prosecutor's office, Taylor approaches every matter with a commitment to serving his clients' strategic needs.

In addition to his developing litigation practice, Taylor contributes to BakerHostetler's Blockchain Monitor, a blog committed to covering blockchain and distributed ledger technologies.

### Memberships

- American Bar Association
- Ohio State Bar Association
- Cleveland Metropolitan Bar Association

### Community

- Columbia College Alumni Association
- Federalist Society

# Tyler M. Thompson

Senior Advisor

Washington, D.C.

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tmthompson@bakerlaw.com



## Services

- Federal Policy

## Industries

- Healthcare Industry

## Prior Positions

- The Bockorny Group: Principal and Healthcare Practice Lead (2012 to 2013)
- Legislative Assistant for United States Senator Johnny Isakson (2005 to 2012)
- Legislative Correspondent for United States Senator Saxby Chambliss (2005)
- Legislative Correspondent for United States Senator Zell Miller (2002 to 2005)

## Admissions

- [Not an Attorney]

## Education

- B.A., History, Sewanee: The University of the South, 2002

Tyler Thompson assists clients with healthcare issues related to children's hospitals, as well as policies related to access to affordable pharmaceuticals and other healthcare matters. His knowledge and experience stems from previously held positions within the governmental and healthcare areas, having previously served as lead consultant to clients throughout the healthcare industry and holding positions in the United States Senate for more than 10 years, focusing in the area of healthcare policy. Through this work, Tyler forged strong relationships with key members and staff in House and Senate leadership, as well as relevant committees of jurisdiction in both chambers. Believing that strong communication skills and an understanding of issues are the keys to effective government affairs representation, Tyler works thoughtfully in a bipartisan manner to bridge gaps between opposing viewpoints. This strategy, along with his knowledge of current healthcare concerns and insight into legislative procedures, provides mutual benefits to lawmakers and clients.

*\*[Not an Attorney]*

## Experience

- Worked to reform policy related to children's healthcare needs through involvement in the Children's Hospital Graduate Medical Education Reauthorization policy.
- Navigated policies and procedures while providing substantive work and strategic analysis of the Affordable Care Act for a key US Senator.
- Collaborated with opposing viewpoints during discussions on the Hope Offered Through Principled and Ethical Stem Cell Research (HOPE) Act. Used strong communication to assist in development of policies that addressed interests of all parties on controversial topic.
- Negotiated and compromised with opposing parties throughout development of the Drug Quality of Security Act.
- Involved in development of legislative policies related to pharmaceutical and medical device industry, including the Prescription Drug User Fee Act, Medical Device User Fee Act, Animal Drug User Fee Act, Biologics Price and Competition Act, Pandemic and All-Hazards Preparedness Act, and Medicare Modernization Act. Used combined knowledge of policies and politics at play to advance specific interests while

remaining sensitive to stances of opposing parties.

- Advised Senators and healthcare industry client on healthcare regulations and policies within the Department of Health and Human Services. Provided additional advice on healthcare issues concerning, among other things, CDC and NIH budget formulation and appropriations and OMB policy.



# **Nicole L. Tineo**

## **Certifications**

- Relativity Certified Administrator (RCA)
- CEDS Certified
- Concordance Certified Trainer
- LAW Certified Processing
- Certified Project Management with LexisNexis

## **Career History**

Litigation Support Manager  
Baker Hostetler  
2010-2020

Project Coordinator  
Sullivan & Cromwell  
2008-2010

Project Coordinator  
WilmerHale  
2006-2008

Trial Consultant  
Jones Day  
2006

Trial Consultant  
Husch & Eppenger  
2003-2006

Paralegal/Office Administrator  
Kenneth K Schmidt, PC  
2001-2003

# Elizabeth M. Treckler

Associate

## Los Angeles

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etreckler@bakerlaw.com



### Services

- Commercial Litigation

### Admissions

- U.S. District Court, Central District of California
- U.S. District Court, Northern District of California
- U.S. District Court, Southern District of California
- California

### Education

- J.D., Loyola Law School, 2011; *Loyola Law School Entertainment Law Review*, Research Editor
- B.S., University of Illinois at Urbana-Champaign, 2008

A steadfast advocate and devoted collaborator, Elizabeth Treckler is dedicated to achieving favorable results with her commercial litigation practice. She has aided in the representation of businesses and individuals, enlisting a tireless work ethic while representing her clients. Guided by the belief that everyone deserves customized counsel, Elizabeth is careful to study the nuances of each case -- and find the best path forward.

### Experience

- Served as second-chair trial attorney in a month-long jury trial in Orange County Superior Court, achieving a full defense verdict for corporate and individual clients on claims of fraud, unfair business practices and breach of contract.
- Authored successful appellate brief before the California Courts of Appeal affirming demurrer sustained without leave to amend.
- Represented leading online real estate marketplace company in multiple actions. Argued successful motions to dismiss and motions for summary judgment.
- Represented defendant airport concessionaire in Los Angeles Superior Court in a commercial dispute brought by a former consultant. Drafted successful motion for summary judgment, securing dismissal of consultant's multimillion-dollar claim.
- Represented individual defendant in civil enforcement action brought by the SEC in the Central District of California.

### Memberships

- American Bar Association

# Maryland H. Ubaid

Staff Attorney

## Cleveland

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mubaid@bakerlaw.com



### Prior Positions

- AmeriCorps
- Cleveland-Marshall College of Law  
Employment Law Clinic: Clinician

### Admissions

- Ohio

### Education

- J.D., Cleveland-Marshall College of Law, 2010, *cum laude*
- B.A., Political Science, Baldwin-Wallace College, 2007, *summa cum laude*

### Languages

- Arabic

Maryland Ubaid is a member of the BakerHostetler team serving as court-appointed counsel to the Securities Investor Protection Act (SIPA) Trustee for the liquidation of Bernard L. Madoff Investment Securities LLC, an unprecedented recovery effort involving hundreds of actions.

### Experience

- Working on cases in active discovery and document review to prepare evidence supporting the SIPA Trustee's claims against defendants, and working to respond to document requests from defendants.

### Memberships

- American Bar Association
- Ohio State Bar Association
- Cleveland Metropolitan Bar Association
- West Shore Bar Association

### Community

- BakerHostetler tutoring program

# Erika B. Ward

Associate

## Cleveland

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eward@bakerlaw.com



### Prior Positions

- Office of U.S. Senator Sherrod Brown: Intern (2013)

### Admissions

- New York
- District of Columbia
- Ohio

### Education

- J.D., Duke University School of Law, 2017; *Law and Contemporary Problems*, Managing Editor
- B.A., The Ohio State University, 2014, *summa cum laude*

Erika Ward channels her interest in business and corporate matters into her developing practice. Diligent and resourceful, she assists team members with a range of issues related to securities offerings, private equity transactions, and mergers and acquisitions.

### Memberships

- New York State Bar Association

# BakerHostetler

Robert A. Weible

**Partner**

**Cleveland**

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[rweible@bakerlaw.com](mailto:rweible@bakerlaw.com)



## Overview

**"Robert Weible has 'excellent judgment' and is 'very responsive and a pleasure to work with,' according to clients."**

— Chambers USA 2015

Rob Weible regularly counsels boards of directors, board committees and executives on mergers and acquisitions and corporate matters, with particular experience in counseling boards and special board committees in conflict-of-interest transactions and other sensitive situations. Rob maintains a focus on what his clients are able to accomplish based on the unique challenges at play in these situations. Assessing and understanding the dynamics of the transactions in which his clients are involved, including their relationships with other parties, Rob is prepared to respond to fresh challenges that arise and crafts strategies to maximize his clients' abilities to accomplish their objectives.

Rob has been named in *Chambers USA: America's Leading Lawyers for Business* since 2005 and is listed in The Best Lawyers in America®. He is the former leader of the firm's Securities and Corporate Governance practice team.

## Experience

- Led the Special Committee of the Wendy's International Inc. board of directors in a strategic review and \$2.3 billion merger, advising the committee on the constraints and authority it held to ensure appropriate functionality. The client was subjected to continuing commentary from activist shareholders, which required careful management of the client's activities in the public eye, as well as of the relationships among members of management and third parties so as not to compromise activities and maintain the integrity of the committee process.
- Managed conflicts of interest in representation of the Strategic Review Committee of a corporation with a controlling shareholder in strategic review and a \$780 million merger with another retail business under common control. Advised the Strategic Review Committee on the scope of its authority and duties, and developed close working relationships with financial and other advisers that facilitated open communication during contentious situations.
- Worked closely with the Audit, Conflicts and Governance Committee of the general partner of an energy corporation in a \$3.3 billion merger with a publicly traded energy partnership, as well as with the committee's financial adviser. Ensured that the client had comprehensive details in order to make informed decisions during the combination of similar businesses. Developed an in-depth understanding of the client's operations to assess how the merger and subsequent changes in business would affect the client.
- Represented an oil and gas exploration and production company in the acquisition of an independent oil and gas company via a \$4.5 billion merger. Maximized the client's negotiating position by managing the pace of the transaction and creating an effective frequency of dialogue with the selling side.
- Represented controlling shareholders in simultaneous going-private acquisitions of a gaming and development corporation and a company conducting sports-related wagering. Paid particular attention to conflicts of interest arising for the client in order to anticipate the needs of the transaction counterpart in moving the agreement forward. Remained sensitive to complications faced by the client and seller, and structured a mutually beneficial acquisition based on an understanding of the imperatives of the seller and limits on appropriate actions.

## Recognitions and Memberships

### Recognitions

- Chambers USA: Corporate/M&A in Ohio (2005 to 2019)
  - Band 4 (2019), Band 3 (2008 to 2009 and 2017 to 2018), Band 2 (2005 to 2007 and 2010 to 2016)
- The Legal 500 United States (2016, 2017)
  - Recommended in M&A/Corporate and Commercial: Corporate Governance
- *The Best Lawyers in America*® (2014 to present)
  - Ohio: Corporate Law
    - Best Lawyers® "Lawyer of the Year" (2017)
  - Ohio: Securities Regulation
    - Best Lawyers® "Lawyer of the Year" (2015, 2018)
  - Ohio: Corporate Governance (2019)
- Martindale-Hubbell: AV Preeminent

### Memberships

- American Bar Association

### News

- 8/15/2018  
193 BakerHostetler Attorneys Named in 2019 Best Lawyers List; 10 Recognized "Lawyer of the Year"
- 8/15/2017  
190 BakerHostetler Attorneys Named in 2018 Best Lawyers List; 18 Recognized "Lawyer of the Year"
- 2/15/2013  
BakerHostetler appears on NPR's *All Things Considered* to discuss Madoff Recovery Initiative; host Robert Siegel interviews SIPA Trustee Irving Picard and his Chief Counsel David Sheehan
- 2/12/2013  
Madoff Recovery Initiative surpasses \$5 billion in distributions to allowed claimants; CNBC's Scott Cohn discusses latest recovery with BakerHostetler's SIPA Trustee Irving Picard and his Chief Counsel David Sheehan

### Press Releases

- 4/29/2019  
Chambers and Partners USA Honors 127 Attorneys and 43 Practice Areas in 2019 Guide
- 6/5/2018  
BakerHostetler Boosts High Marks in the Legal 500 2018 Annual Guide
- 5/3/2018  
*Chambers and Partners USA* Honors 118 Attorneys and 45 Practice Areas in 2018 Guide

### Alerts

- 6/21/2018  
More From the SEC on When a Digital Asset Is a Security

### Community

- 90.3 WCPN ideastream: Board of Trustees and Finance Committee

### Services

- Corporate Governance
- Securities Offerings and Compliance

### Prior Positions

- Cleveland Business Group Coordinator

## Admissions

- U.S. District Court, Northern District of Ohio
- Ohio

## Education

- J.D., The Ohio State University Michael E. Moritz College of Law, 1978, *summa cum laude*
- B.A., Wittenberg University, 1975, *summa cum laude*

# Jason T. White

Staff Attorney

## Cleveland

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jwhite@bakerlaw.com



### Prior Positions

- Watkins, Bates & Carey LLC: Intern
- John Carroll University General Counsel's Office: Legal Extern
- ReCreation Consulting Firm: Legal Extern
- Cleveland Indians Baseball Company Human Resources Department: Intern

### Admissions

- Ohio

### Education

- J.D., Cleveland-Marshall College of Law, 2011, *magna cum laude*; Member, *Cleveland State Law Review*; High A in Family Law and Scholarship Writing classes; Cleveland-Marshall Barrister's Scholarship Recipient; Cleveland-Marshall Law Alumni Association Scholarship Recipient
- B.A., History, Baldwin-Wallace College, 2004, *summa cum laude*

Jason White is a member of the BakerHostetler team serving as court-appointed counsel to the Securities Investor Protection Act (SIPA) Trustee for the liquidation of Bernard L. Madoff Investment Securities LLC (BLMIS), an unprecedented recovery effort involving hundreds of actions. Industrious and trustworthy, Jason is eager to apply and gain knowledge through his practice.

### Experience

- Working on cases in active discovery and document review to prepare evidence supporting the SIPA Trustee's claims against defendants, and working to respond to document requests from defendants.
- Assisted lead attorneys with document review during the investigation of a battery company to uncover potential company fraud.

### Memberships

- American Bar Association
- Ohio State Bar Association
- Cleveland Metropolitan Bar Association

### Community

- BakerHostetler: Cleveland office tutoring program
- Shoes and Clothes for Kids



**Forrest G. Williamson**  
**BAKER & HOSTETLER, LLP**

Oct 2019 – Present	<b>Baker &amp; Hostetler, LLP</b> International Disputes Paralegal
Dec 2018 – Oct 2019	<b>Robert Half Legal</b> Litigation Paralegal
Sep 2018 – Dec 2018	<b>Bienstock Law, LLC</b> Litigation Paralegal
Sep 2017 – Sep 2018	<b>D.C. Registered Agent, Inc.</b> Account Executive/Paralegal
• Davis & Elkins College, Bachelor of Arts, 2017	

# **Sunny Wong**

## **Baker Hostetler**

Sep 2019 – Present

**Baker Hostetler**  
Litigation Support Analyst

Mar 2019 – Sep 2019

**Empire Discovery**  
Senior Hosting Analyst

Feb 2012 – Dec 2016

**Omnivere**  
Manager of Hosting Services

- Hunter College, BA Economics, June 2006

# Madiha M. Zuberi

Associate

## Los Angeles

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### Services

- Securities and Governance Litigation
- Commercial Litigation
- White Collar, Investigations and Securities Enforcement and Litigation

### Emerging Issues

- Emerging Technologies
- Blockchain Technologies and Digital Currencies

### Admissions

- U.S. District Court, Southern District of New York
- New York
- [Not admitted in California]

### Education

- J.D., New York Law School, 2009, Worked With Professor Sadiq Reza on an abstract Entitled, "Torture in Islamic Law" (published in the *University of Chicago International Law Journal*)
- B.A., University of California, Irvine, 2004, *cum laude*, Dean's Honor List, Tau Sigma Honor Society

Madiha Zuberi focuses her practice on complex litigation. Able to effectively handle the moving parts of a complicated case, she takes the initiative to work through challenging concerns while developing resolutions. Madiha's experience on banking and feeder funds cases allows her to have a solid understanding in certain areas of securities laws, such as securities fraud, broker-dealer compliance and the use of exotic products such as swaps and derivatives.

### Experience

- Since 2010, has served as litigation counsel to Irving H. Picard, the Securities Investor Protection Act Trustee for the global liquidation of Bernard L. Madoff Investment Securities LLC, actively involved in the worldwide investigation and asset recovery efforts seeking billions of dollars from some of the world's largest banking institutions and feeder funds. Helps coordinate the research and testimony of expert witnesses and consultants in Madoff-related litigation, and is involved in the development of new rules defining the role expert witnesses should play in these litigations. Is also actively involved in international matters requiring domestic and foreign expert analyses of case issues and the drafting of related complaints.

### Recognition

- New York Metro Super Lawyers "Rising Star" (2013 to 2017)
- Los Angeles County District Attorney "Volunteer of the Year" (2001)

### Memberships

- New York State Bar Association
- New York County Lawyer's Association
- The Muslim Bar Association of New York
  - Former Director on the Board (4 years)

### Community

- 2014 National Association of Law Placement Annual Education Conference Speaker (Seattle, Washington)

- Practicing Attorneys for Law Students Program, Inc.: Attorney Mentor (2012 to 2014)
- New York City Bar Association Attorney Advisor for Securities and Finance Law Seminar to Minority Law Students (2013)

### **Pro Bono**

- Involved with the New York office's collaboration with Her Justice, an organization that provides free legal services to low-income women.